158979

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Thirty-fourth Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 3rd, 1955, and
Ending March 3rd, 1955

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT.
3

HeinOnline -- 1955 i 1955

CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that by virtue of the authority vested in me by law, I have prepared for publication and caused to be printed a copy of all laws, memorials, resolutions and appropriation measures passed by the Thirty-fourth Legislative Assembly of the State of Montana, at the Thirty-fourth Session commencing January 3, 1955 and concluding March 3, 1955; that I have caused to be compared the said printed laws, memorials, resolutions and appropriation measures with the original manuscript thereof now on file in my office, and that the following are true, full and correct copies thereof, including the Constitutional amendment and referendum measures adopted by the people of Montana at the general election held in the State of Montana Nov. 2, 1954.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this fifteenth day of June, A. D. 1955.

THE GREAT SEAL
of the
State of Montana.

Sam W. Mitchell

Secretary of State.

OFFICERS AND MEMBERS

OF THE

34th Legislative Assembly of the State of Montana

1955

J. HUGO ARONSON, GOVERNOR
Geo. M. Gosman, Lieutenant Governor and President of the Senate.
Leo C. Graybill, Speaker of the House.
Glenn H. Larson, President Pro Tem of the Senate.
Fred L. Robinson, President Pro Tem (Ad Interim).

Members of Senate

NAME	Residence	County	Politics
Alley, John C.	Whitehall	Jefferson	Republican
*Anderson, LeRoy H.	Conrad	Pondera	Democrat
Anderson, Henry H.	Libby	Lincoln	Democrat
*Angstman, Jess L.	Havre	Hill	Democrat
*Balgord, O. P.	Lavina	Golden Valley	Republican
Bovey, Charles A.	Great Falls	Cascade	Democrat
*Brenner, J. S.	Grant	Beaverhead	Republican
*Brewer, Clyde	Roundup	Musselshell	Republican
Brownfield, Ben	Hammond	Carter	Republican
Cole, Kenneth	Winnett	Petroleum	Republican
Cotton, Robert S.	Glasgow	Valley	Democrat
Dahl, Andrew	Dagmar	Sheridan	Democrat
*Dokken, H. H.	Bozeman	Gallatin	Republican
*Donahoe, Walter A.	Wh. Sul. Springs	Meagher	Republican
Dwyer, Robert G.	Butte	Silver Bow	Democrat
Goodwin, Lester C.	Townsend	Broadwater	Democrat
*Grandey, Charles W.	Terry	Prairie	Republican
Groff, Wm. A.	Victor	Ravalli	Democrat
†Hagerty, Dan F.	Browning	Glacier	Democrat
Harken, R. C.	Forsyth	Rosebud	Democrat
*Hatch, Charles M.	Miles City	Custer	Republican
Hibbs, Rex	Billings	Yellowstone	Republican
*Hofland, J. M.	Circle	McCone	Democrat
*James, David F.	Joplin	Liberty	Democrat
Jellison, Charles J.	Kalispell	Flathead	Republican
Keller, Webster	Fishtail	Stillwater	Democrat
LaCombe, C. E.	Superior	Mineral	Democrat
Larson, Glenn H.	Thompson Falls	Sanders	Republican
*Lindquist, Carl	Scobey	Daniels	Republican
‡McCabe, George N.	Cut Bank	Glacier	Democrat
*McDonnell, A. Ronald	Big Timber	Sweet Grass	Republican
McGowan, Gordon	Highwood	Chouteau	Democrat
McKenna, George S.	Geyser	Judith Basin	Democrat
McQuitty, E. F.	Harlowton	Wheatland	Democrat
*Mackay, William R.	Roscoe	Carbon	Republican
*Mahoney, Charles H.	Jordan	Garfield	Republican
*Manning, D. M.	Hysham	Treasure	Democrat
Moritz, Earl	Lewistown	Fergus	Republican
Murphy, H. A.	Philipsburg	Granite	Republican
‡Nesvig, Oscar	Wibaux	Wibaux	Democrat
Nutter, Donald	Sidney	Richland	Republican
*Padbury, Fred H.	Helena	Lewis & Clark	Republican
Rice, Paul R.	Bynum	Teton	Democrat
*Robins, R. L.	Glendive	Dawson	Republican
*Robinson, Fred L.	Malta	Phillips	Republican
*Ross, Thomas A.	Chinook	Blaine	Republican
Sagunsky, Walter G.	Sheridan	Madison	Republican
*Scofield, Charles L.	Broadus	Powder River	Republican
*Spear, W. B.	Kirby	Big Horn	Republican
*Taylor, B. R.	Wolf Point	Roosevelt	Republican
*Valiton, Don F.	Deer Lodge	Powell	Republican
*Wallace, Lloyd I.	Polson	Lake	Republican
*Wenger, Edward A.	Anaconda	Deer Lodge	Democrat
Wenz, Karl	Baker	Fallon	Republican
Wilson, George W.	Shelby	Toole	Democrat
Worden, Donovan	Missoula	Missoula	Republican
*Working, Paul	Wilsall	Park	Republican

* Holdover.
‡ Deceased Feb. 20, 1955.
† Succeeding George N. McCabe, deceased.
‡ Deceased March 28, 1955.

HeinOnline -- 1955 v 1955

House of Representatives

NAME	Residence	County	Politics
Allen, Arch	Livingston	Park	Republican
Anderson, George D.	Great Falls	Cascade	Democrat
Anderson, Jerome	Billings	Yellowstone	Republican
Armstrong, Ory J.	Kalispell	Flathead	Republican
Barnard, Lloyd	Saco	Valley	Democrat
Barrett, Fred E.	Chester	Liberty	Democrat
Baumgartner, A. A., Mrs.	Ronan	Lake	Republican
Baxter, R. A.	Harlowton	Wheatland	Republican
Beck, Martin J.	Vida	McCone	Democrat
Bentz, C. C.	Ekalaka	Carter	Republican
Bick, Clarence P.	Ronan	Lake	Democrat
Bricker, Ralph C.	Great Falls	Cascade	Republican
Broeder, Fred O.	Creston	Flathead	Republican
Cerovski, Charles	Lewistown	Fergus	Democrat
Chaffin, Dean	Bozeman	Gallatin	Republican
Clark, Earl E.	Roundup	Musselshell	Democrat
Clowes, Homer J.	Glasgow	Valley	Democrat
Conrad, Ralph J.	Helena	Lewis & Clark	Republican
Crist, Charles L.	Billings	Yellowstone	Republican
Cumming, Hugh	Drummond	Granite	Democrat
Cunningham, John J.	Butte	Silver Bow	Democrat
Daniels, M. K.	Deer Lodge	Powell	Democrat
Dempsey, Mervin J.	Butte	Silver Bow	Democrat
Durkee, Robert A.	Havre	Hill	Democrat
Emmons, John	Anaconda	Deer Lodge	Democrat
Felt, James R.	Billings	Yellowstone	Republican
Fry, J. W.	Laurel	Yellowstone	Republican
Fulton, Frank F.	Plevna	Fallon	Republican
Gebhardt, Ralph H.	Billings	Yellowstone	Republican
Gerard, Sumner	Ennis	Madison	Republican
Gershmel, M. N.	Winnett	Petroleum	Democrat
Gleed, George E.	Dillon	Beaverhead	Republican
Goan, J. Philip	Billings	Yellowstone	Republican
Goodgame, Allen	Troy	Lincoln	Democrat
Grant, R. A.	Miles City	Custer	Democrat
Graybill, Leo C.	Great Falls	Cascade	Democrat
Gunderson, Ole S.	Power	Cascade	Democrat
Hagenston, Arthur S.	Glendive	Dawson	Democrat
Haines, Clifford E.	Creston	Flathead	Republican
Haines, H. H.	Terry	Prairie	Republican
Haines, Tom	Missoula	Missoula	Republican
Hancock, J. Homer	Billings	Yellowstone	Republican
Hawks, Clyde L.	St. Xavier	Big Horn	Republican
Hess, H. H.	Havre	Hill	Democrat
Holecek, George	Boyd	Carbon	Democrat
Holtz, Ronald W.	Floweree	Cascade	Democrat
Hooks, Patrick F.	Townsend	Broadwater	Democrat
Howard, George T.	Missoula	Missoula	Republican
Jensen, A. N.	Superior	Mineral	Democrat
Juedeman, R. F.	Sunburst	Toole	Republican
Lee, Ray	Butte	Silver Bow	Democrat
Leuthold, John H.	Molt	Stillwater	Republican
Loughran, Mike	Butte	Silver Bow	Democrat
MacDonald, John J.	Jordan	Garfield	Democrat
McAndrews, Wayne	Anaconda	Deer Lodge	Democrat
McInnis, Archie L.	Geyser	Judith Basin	Democrat
McOmber, W. Gordon	Fairfield	Teton	Democrat
Mahoney, Eugene H.	Thompson Falls	Sanders	Democrat
Mangan, Thomas A.	Missoula	Missoula	Democrat
Michels, Lloyd J.	Medicine Lake	Sheridan	Democrat
Minette, Carl Patrick	Cut Bank	Glacier	Democrat
Mountain, James A.	Butte	Silver Bow	Democrat
Mysse, Sivert O., Jr.	Ingomar	Rosebud	Republican
Nelson, Wm. J.	Barber	Golden Valley	Democrat
Nelstead, T. E.	Miles City	Custer	Republican
Nichols, Norris	Stevensville	Ravalli	Republican
Nixon, Richard	Hogeland	Blaine	Democrat
Norby, Fritz	Great Falls	Cascade	Republican
Nybo, C. N.	Missoula	Missoula	Republican
Parker, Cecil C.	Valier	Pondera	Democrat
Parker, Clem	Wibaux	Wibaux	Democrat
Phillips, R. J.	Lewistown	Fergus	Republican
Picotte, Gene A.	Helena	Lewis & Clark	Democrat
Pierce, John H.	Billings	Yellowstone	Republican
Powell, Lisle D.	Biddle	Powder River	Republican
Purdy, R. P.	Bozeman	Gallatin	Republican
Reardon, Frank D.	Butte	Silver Bow	Democrat
Reed, Mrs. Dallas J. (Bess)	Missoula	Missoula	Republican
Regan, Leonard D.	Great Falls	Cascade	Democrat
Rieder, Arnold	Boulder	Jefferson	Democrat

HeinOnline -- 1955 vi 1955

HOUSE OF REPRESENTATIVES — (Continued)

NAME	Residence	County	Politics
Ringling, Paul	Wh. Sul. Springs	Meagher	Democrat
Sales, Walter L.	Manhattan	Gallatin	Republican
Sax, Floyd L.	Sidney	Richland	Republican
Schumacher, Lee C.	Malta	Phillips	Democrat
Siderius, George	Kalispell	Flathead	Democrat
Sippel, O. A.	Big Timber	Sweet Grass	Republican
Smith, J. Miller	Helena	Lewis & Clark	Republican
Tange, Chris S.	Poplar	Roosevelt	Republican
Taylor, Neil	Scobey	Daniels	Republican
Tobin, Thomas E.	Butte	Silver Bow	Democrat
Walton, Clarence E.	Wilsall	Park	Republican
Wetzsteon, Fred	Sula	Ravalli	Republican
Wilson, Archie	Hysham	Treasure	Republican
Wood, James, Jr.	Loma	Chouteau	Democrat

CONTENTS

Chap.	Senate Bill	House Bill	Title	Page
1		1	An Act to Fix the Compensation of Officers and Employees of the Thirty-fourth Legislative Assembly of the State of Montana	1
2		15	An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Repairing the State Capitol Building; Designating the Funds from Which Said Bonds Shall Be Paid; Providing for a State Capitol Building Repair, Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act	3
3	1		An Act to Amend Section 16-1620, Revised Codes of Montana, 1947, Relating to Form and Terms of District Warrants and Bonds; Interest to Be Charged for the Same, and Providing That the Term or Period Over Which Said Bonds May Extend Shall Not Exceed Twenty (20) Years	5
4	3		An Act to Amend Section 9-209 of the Revised Codes of Montana of 1947, as Amended by Chapter 93 of the Laws of 1951, Relating to the Budget and Tax Levy for Cemetery Districts and Validating, Ratifying, Approving and Confirming Cemetery District Warrants Heretofore Issued for Services Actually Rendered or Goods, Wares, Merchandise or Material Actually Furnished and Providing for the Payment of Such Warrants	8
5		2	An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations, Heretofore Issued by Public Bodies of This State, and All Proceedings Heretofore Taken by Such Public Bodies, to Authorize and Issue Such Bonds, Instruments and Other Obligations, However Described, and Providing That This Act May Be Cited as "The 1955 Bond Validating Act."	10
6		8	An Act to Amend Section 11-1001 of the Revised Codes of Montana, 1947, Relating to the Authorization of Cities and Towns to Furnish Water to Industries and to Persons Outside the Corporate Limits by Eliminating the Three-Mile Limitation Contained Therein	12
7		9	An Act to Amend the Montana Uniform Drug Act to Transfer Administration of Said Act From the Secretary of the State Board of Health and From the State Board of Health to the Montana State Board of Pharmacy; and to Amend Said Act to Allow the Sale by Apothecaries of Narcotic Drugs Upon Oral Prescriptions by Physicians, Dentists or Veterinarians Where Allowed by the Federal Law and Regulations; to Amend Sections 54-101, 54-103, 54-104, 54-106, 54-109, 54-119, 54-124 of the Revised Codes of Montana of 1947 to Effectuate Said Purposes; to Provide an Effective Date for Said Act and to Repeal All Acts and Parts of Acts in Conflict Therewith	13
8		17	An Act to Approve and Legalize and Adopt as Prima Facie the Laws of Montana the Replacement Volumes Number 3 and Number 4 of the Revised Codes of Montana of 1947, as Published by the Publishers and Distributors of Said Codes	21

Chap.	Senate Bill	House Bill	Title	Page
9		29	An Act to Provide for the Operation of Temporary and Emergency War and Veterans' Housing Facilities by Local Agencies	22
10		21	An Act to Amend Section 4 of Chapter 168 of the Laws of 1953 Relating to Recommendation of Tax Levy on Cattle by County Livestock Protective Committee	25
11		26	An Act to Amend Section 60-125, Revised Codes of Montana, 1947, Relating to the Oil and Gas Conservation Commission, Members, Term, Oath, Seal, and Employees; Providing Compensation for Members of the Commission for Their Official Services; and Repealing All Acts and Parts of Acts in Conflict Herewith	26
12		20	An Act to Amend Section 15-504, Revised Codes of Montana, 1947, Relating to the Representation and Voting of Stockholders at Meeting, Elections or Votes of Corporations to Extend the Time for Closing the Corporation Stock Transfer Books Preceding the Date of Any Meeting, Election or Vote, and, in Lieu of Closing the Stock Transfer Books, to Extend the Time Preceding the Date of Any Meeting, Election or Vote in Which to Fix in Advance a Date as a Record Date for the Determination of Stockholders Entitled to Notice Thereof and to Vote Therein	28
13		32	An Act to Amend Section 15-205 of the Revised Codes of Montana of 1947, and Section 15-206 of the Revised Codes of Montana of 1947, Relating to the Organization of Stockholders' meetings for the Purpose of Amending Articles of Incorporation, the Number of Stockholders to Be Present, the Manner and Number of Stockholders Voting, the Preparation and Filing of a Certificate of Proceedings, Providing for the Effective Date of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith	30
14		70	An Act to Amend Section 11-717 of the Revised Codes of Montana, 1947, Relating to Election Judges and Clerk and Voting Places in Elections in Cities and Towns, by Omitting Provisions Restricting Size of Precincts Where Voting Machines Are Used; and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval	31
15	6		An Act Providing for the State Highway Commission to Enter Into Agreements With the Federal Government, or Any State or Group of States, or Agencies Thereof, or Any Non-profit Association, on a Joint or Cooperative Basis, to Study, Analyze, or Test the Effects of Weights on Highway Construction; and Repealing All Acts and Parts of Acts in Conflict Herewith	33
16	7		An Act to Amend Section 11-404 of the Revised Codes of Montana, 1947, Relating to Tracts or Parcels of Land to Be Annexed to a City or Town, Under the Provisions of Section 11-403, Revised Codes of Montana, 1947; Providing That Such Tracts or Parcels of Land to Be Annexed Shall Be Deemed Contiguous to Such City or Town, Even Though Separated From Such City or Town by a Street or Other Roadway, Irrigation Ditch, Drainage Ditch, Stream, River, or Strip of Unplatted Land Too Narrow or Too Small to Be Platted	34
17	13		An Act to Exempt Aviation Gasoline Used in Aircraft From the Gasoline Dealers' License Tax Except the Portion Thereof Allocated to the State Aviation Fund and Providing Penalties for False Statements in Connection With Claims for Exemption, and Amending Sections 84-1801, 84-1802, 84-1818 and 84-1819, Revised Codes of Montana, 1947, as Now Amended, and Repealing All Acts or Parts of Acts in Conflict Herewith	34

HeinOnline -- 1955 x 1955

Chap.	Senate Bill	House Bill	Title	Page
18	2		An Act to Amend Section 93-302, Revised Codes of Montana, 1947, Relating to the Number of Judges in Each of the Judicial Districts, and Providing for Three Judges in the Thirteenth Judicial District, and Providing for the Appointment of a Third Judge for Said District, and for the Repeal of All Laws in Conflict Herewith	42
19		35	An Act to Amend Section 23-912, Revised Codes of Montana, 1947, Relating to the Time for Filing Petitions for Nominations and Providing That Offices to Be Voted for in Only One County, District, or City Shall Be Filed With the County Clerk or City Clerk Not Less Than Forty (40) Days Before the Date of the Primary Nominating Election; and Repealing All Acts and Parts of Acts in Conflict Herewith.	43
20		45	An Act to Amend Sections 66-801, 66-802 and 66-815 of the Revised Codes of Montana of 1947, Relating to the Practice of Cosmetology and the Licensing of Cosmetological Establishments and Manager-Operators and Fees Relating Thereto	43
21		50	An Act to Amend Section 26-109 of the Revised Codes of Montana, 1947, Relating to the Prohibiting of Political Activity by Fish and Game Wardens or Deputies	46
22		63	An Act to Amend Section 11-1918, Revised Codes of Montana, 1947, Relating to Reports of Insurance Companies; Providing for Reporting of the Fire Portion of the Direct Premiums, After Deducting Cancellations and Return Premiums, in Cities and Towns Having Organized Fire Departments and Fire Department Relief Associations and Repealing All Conflicting Acts	46
23		79	An Act Relating to the Per Diem and Mileage of Members of the Legislative Assembly and to the Per Diem and Mileage of the President of the Senate and Speaker of the House; Amending Section 43-310, Revised Codes of Montana, 1947; and Amending Section 43-311, Revised Codes of Montana, 1947; and Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith	47
24	16		An Act to Amend Sub-section (3) of Section 91-4818 of the Revised Codes of Montana, 1947, Relating to the Commitment of Insane Veterans to the Veterans Administration or Other Agency of the United States Government	48
25	17		An Act to Amend Section 77-106 of the Revised Codes of Montana, 1947, Relating to the Composition of the National Guard	49
26	18		An Act to Amend Section 77-117 of the Revised Codes of Montana, 1947, as Amended by Chapter 21 of the Laws of 1949, Relating to the Adjutant General of the State	50
27	11		An Act to Amend Section 11-2803 of the Revised Codes of Montana, 1947, Relating to Vacation of Plats in Abandoned Townsites or Portions of Any Village or Townsite in an Unincorporated Village or Town	51
28	106		An Act to Amend Section 81-1403 of the Revised Codes of Montana, 1947, as Amended by Chapter 161, Laws of 1949, and as Amended by Chapter 192, Laws of 1953, Relating to State Forester's Appointment, Compensation, Term, Assistants, and Bond	52
29		22	An Act to Amend Section 11-1905, Revised Codes of Montana, 1947, Relating to Qualifications of Firemen in Cities and Towns and Changing the Maximum Age Requirements	53
30		91	An Act to Provide for the Construction and Maintenance of State Highways Which Serve	

HeinOnline -- 1955 xi 1955

Chap.	Senate Bill	House Bill	Title	Page
			the People of the State of Montana, Are Located Primarily in the State of Montana, and Which Are Partially Located Outside the Boundaries of the State of Montana Because of Geographical or Other Physical Conditions Which Make It Impossible or Impracticable to Locate or Construct or Reconstruct Said Highways Entirely Within the Boundaries of the State of Montana; Providing That Said Portion of Highway Outside the State of Montana Does Not Connect to or Is Not a Part of the State Highway System of Any Adjoining State; Providing That the Cost of Construction, Reconstruction, Engineering, Administration, Betterment and Maintenance Shall Be Paid Out of Funds of the State Highway Commission; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date	54
31		104	An Act to Amend Section 31-106, Revised Codes of Montana, 1947, Relating to Equipment; Repealing All Acts and Parts of Acts in Conflict Herewith	55
32		20	An Act to Amend Section 41-701, Revised Codes of Montana, 1947, Relating to Requiring All Contracts for State, County, Municipal and School Construction or Repair Work and Maintenance to Contain Provisions Requiring Preference to Bona Fide Residents of Montana and Defining "The Standard Prevailing Rate of Wages" in the County Where the Work Is Being Performed	56
33		31	An Act to Amend Section 16-1128, Revised Codes of Montana, 1947, Relating to Auto Passes; Authorizing Removal of Livestock Passes Constructed on Public or County Roads, and Repealing All Acts and Parts of Acts in Conflict Herewith	57
34		33	An Act Amending Section 11-966 of the Revised Codes of Montana, 1947, as Amended by Chapter 152 of the Laws of the Thirty-third Legislative Assembly, 1953, and Section 11-2303 of Said Revised Codes, as Amended by Chapter 116 of the Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Purposes for Which Municipal Indebtedness May Be Incurred and the Limitations on the Amount Thereof Outstanding at Any Time	58
35		38	An Act to Amend Section 68-801, Revised Codes of Montana, 1947, as Amended by Section 5, Chapter 186, Laws of Montana, 1951, Relating to Voluntary Service Retirements, Reinstatements to Service Therefrom and Repealing Compulsory Retirements, Directing That Invalidity of a Part of This Act Shall Not Affect or Impair the Remainder	61
36		42	An Act to Amend Section 10-622 of the Revised Codes of Montana, 1947, as Amended by Chapter 112 of the Session Laws of the State of Montana, 1953, Relating to Probation Officers, Their Appointment, Removal and Salaries; Providing for an Increase in the Maximum Salary Which Can Be Paid to the Chief Probation Officer and Further Providing for an Increase in the Maximum Salary Which Can Be Paid to Deputy Probation Officers; Providing for an Effective Date of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith	62
37		47	An Act to Change the Name of "State Fish and Game Warden" to "State Fish and Game Director" and the Name of "Deputy State Fish and Game Warden" to "State Fish and Game Warden."	64
38		73	An Act to Amend Section 11-2314, Revised Codes of Montana, 1947, Relating to Method	

HeinOnline -- 1955 xii 1955

Chap.	Senate Bill	House Bill	Title	Page
			of Publication of Notice of Sale for City Bonds and Eliminating the Provision Requiring Notice and Transcript to Board of Land Commissioners.	64
39		76	An Act to Amend Section 11-2214, Revised Codes of Montana, 1947, Pertaining to the Methods of Assessment in Special Improvement Districts in Cities and Towns.	65
40		78	An Act to Amend Section 28-603, Revised Codes of Montana, 1947, Relating to Powers of Boards of County Commissioners to Protect Range, Farm and Forest Resources; Increasing the Amount Appropriated from the General Fund for Purchase, Care and Maintenance of Fire Fighting Equipment and Wage Payments to Mechanical Equipment Operators in the Suppression of Fires; and Providing for Increasing Tax Levy in Case General Fund Fully Budgeted	69
41		117	An Act to Amend Section 53-122 of the Revised Codes of Montana, 1947, as Amended by Chapter 215 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, Relating to Registration Fees of Motor Vehicles—Fees—Disposal of Proceeds—Relating to Allocation of Net Fees Derived From Registration of Motor Vehicles to Cities Having a Population of Ten Thousand (10,000) or More, or Construction of Highways Within the Boundary of Such Incorporated Cities—Fee for Half Year—Dealers' Registration and Transfer Thereof—Public Owned Vehicles Exempt From License or Registration Fees—License or Registration Fees for Trailers, House Trailers, Semitrailers and Tractors—Providing for Certain Exemptions—Providing for Transfer of Funds From the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund)—Providing for Deposit of All Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in Said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.	70
42		146	An Act Limiting Liability of Persons, Corporations, Partnerships or Associations, Authorized by Any City, Town, Village or District Fire Department, or by Any Volunteer Fire Company, to Receive Any Report of Fire, or Which Agree to Receive and Transmit Such a Report to Any City, Town, Village, or District Fire Department, or Volunteer Fire Department, or Volunteer Fire Company, and Providing That Such Persons, Corporations, Partnerships or Associations Shall Not Be Liable for Delay in Reporting or Failure to Report Such Fire Unless Delay or Failure Is the Result of Gross Negligence; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Date of Its Passage and Approval.	76
43		147	An Act to Amend Section 75-4231 of the Revised Codes of Montana of 1947, as Amended by Section 2 of Chapter 106 of the Laws of 1951, Relating to the General Powers and Duties of Boards of Trustees of County High Schools and School Districts Maintaining High Schools; Specifying the Amount for Which Said Trustees May Let Contracts Without Calling for Bids.	77
44		148	An Act to Amend Section 75-1637 of the Revised Codes of Montana, 1947, Relating to	

HeinOnline -- 1955 xiii 1955

Chap.	Senate Bill	House Bill	Title	Page
			School District Contracts; Providing When Contracts May Be Let Without Calling for Bids.	82
45		165	An Act Providing That Counties May Levy a Tax for the Maintenance and Operation of a County-Owned Civic Center, Youth Center, Recreation Center, or Any Combination of Two or More Thereof; and Limiting the Expenditure of All Funds Derived From Such Tax and Containing a Repealing Clause.	83
46		228	An Act to Amend Section 62-304, Revised Codes of Montana, 1947, Relating to the Powers and Duties of the State Highway Commission Concerning Wayside Camps and Other Public Conveniences Maintained by the Highway Commission.	84
47		232	An Act to Amend Section 53-120, Revised Codes of Montana, 1947, Relating to Replacing Number Plates; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.	85
48		280	An Act to Provide for the Support of the Government of Montana for the Years 1955 and 1956.	86
49		291	An Act to Amend Section 38-214 of the Revised Codes of Montana, 1947, Relating to the Hearing and Examination of Persons Committed to the Montana State Hospital and Fixing the Procedure for Determining Who Shall Pay the Costs of Care and Maintenance and Fixing the Amount the Hospital May Receive for Care and Maintenance.	88
50		390	An Act to Amend Section 94-100-25 of the Revised Codes of Montana, 1947, Relating to Proceedings on Plea of Guilty or on Conviction in Justice Court and Providing for Judgment Thereon of Fine or Imprisonment, or Both.	91
51		51	An Act to Amend Section 4-349 of the Revised Codes of Montana, 1947, as Amended by Chapter 166, Laws of Montana, 1951, Which Section Forbids Brewers and Wholesalers of Beer to Furnish Property, Except of a Limited and Specified Value, to Retail Licensees, or to Be Financially Interested, Directly or Indirectly, in the Conduct or Operation of the Business of a Licensed Retailer, by Providing no Sale or Delivery of Beer shall be Made to Any Retail Licensee Except for Cash Paid at the Time of or Prior to Delivery Thereof; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith.	91
52		34	An Act to Amend Section 75-3403, Revised Codes of Montana, 1947, as Amended by Chapter 163 of the Session Laws of 1951; Relating to School Busses, Depreciation Reserves Therefor; Upkeep, Rent, and Term of Contract; Providing for Term of Contract of Five (5) Years; and Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for the Effective Date of this Act.	93
53		110	An Act to Amend Section 75-2901, Revised Codes of Montana, 1947, Relating to Compulsory Education, Age, Grade and Required Subjects; Employment During School Session, When Necessary for Family Support; Home Instruction; Excuses from Attendance for Hardship: Appeal to District Court; Penalty; and to Amend Section 75-2902, Revised Codes of Montana, 1947, Relating to Employment of Children Under Sixteen (16) When Public Schools Are in Session; Age and Schooling Certificate; by Whom Issued, Contents; Certificates Issued When Wages Necessary for Family Support; Examination of Certificate, Re-	

HeinOnline -- 1955 xiv 1955

Chap.	Senate Bill	House Bill	Title	Page
			turn of Certificate; and Providing for a Penalty; and Repealing All Acts and Parts of Acts in Conflict Herewith	94
54		112	An Act Designating the Officers in Cities Operating Under the Commission-Manager Form to Execute Conveyances of Real Estate.	97
55		140	An Act to Amend Section 4-333 of the Revised Codes of Montana, 1947, as Amended by Chapter 165, Laws of the Thirty-first Legislative Assembly, 1949, Relating to the Powers of the Montana Liquor Control Board in the Issuing of Retail Beer Licenses, the Number of Such Licenses That May Be Issued, the Lapse and Cancellation of Such Licenses for Non-user; Repealing Section 4-340 of the Revised Codes of Montana, 1947, Relating to the Powers of Said Board to Issue Retail Beer Licenses to Retailers Outside of Cities, Towns and Villages; Repealing All Acts and Parts of Acts in Conflict Herewith	97
56		141	An Act to Amend Section 4-403 of the Revised Codes of Montana, 1947, as Amended by Chapter 164, Laws of the Thirty-first Legislative Assembly, 1949, and as Further Amended by Chapter 144, Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Powers of the Montana Liquor Control Board in the Issuing of Retail Liquor Licenses; Repealing All Acts and Parts of Acts in Conflict Herewith.	101
57		172	An Act to Amend Section 71-308, Revised Codes of Montana, 1947, as Amended by Chapter 199 of the Laws of the Thirty-second Legislative Assembly of the State of Montana, 1951, Relating to Medical Aid and Hospitalization for Persons Unable to Provide Such Necessities for Themselves and Providing That in Accident Cases, Such Medical Aid and Hospitalization Shall Be Paid for by the County Wherein the Accident Occurs and Provided for Reimbursement Therefor by the State Department of Public Welfare, and Repealing All Acts and Parts of Acts in Conflict Herewith	103
58		185	An Act to Amend Sections 84-4922 and 84-4923, Revised Codes of Montana, 1947, Relating to the Time in Which a Taxpayer May File an Application for Refund of Income Tax and Begin an Action to Review the Decision of the Board	105
59		219	An Act Relating to the Duty of Physicians and Other Practitioners to Report to the Local Health Officer Every Person Who Is Diagnosed as Being Subject to Epileptic Type Seizures or Similar Disorders Characterized by Lapse of Consciousness or Control; Providing for the Local Health Officer to Forward Such Reports to the Executive Officer of the State Board of Health; Providing for the Executive Officer of the State Board of Health to Forward Such Reports to the Montana Highway Patrol Board; Providing That All Such Reports Are Confidential; Repealing All Acts or Parts of Acts in Conflict Herewith	106
60		220	An Act to Amend Section 31-127, Revised Codes of Montana, 1947, Relating to the Licensing of Persons Operating Motor Vehicles Upon the Highways in the State of Montana and Relating to What Persons Shall Not Be Licensed; and Providing That No License Shall Be Issued to Any Person Suffering From or Who Have Suffered From Any Form of an Epileptic Type Seizure or Similar Disorder Characterized by Lapse of Consciousness; Except That the Board May in Its Discretion Issue a License Under Certain Circumstances	108

HeinOnline -- 1955 xv 1955

Chap.	Senate Bill	House Bill	Title	Page
61		265	An Act to Allow the State Board of Land Commissioners to Exchange Certain State Lands With the United States for Military Purposes.	109
62		271	An Act to Amend Section 91-3102, Revised Codes of Montana, 1947, Relating to the Manner of Obtaining Authority to Mortgage Estate Property by Adding to the Authority of the Personal Representative of the Decedent or Any Person Interested in His Estate the Authority to Pay, Reduce, Extend or Renew the Payment of Any Promissory Notes Secured by a Lien or Mortgage, and Providing for the Repealing of All Acts and Parts of Acts in Conflict Therewith	110
63		281	An Act to Amend Section 16-1717, Revised Codes of Montana, 1947, Providing for Creation of Noxious Weed Fund by County Commissioners, Mill Levy Therefor and Expenditure Thereof; and Providing for Reversion of Proceeds to the Weed Fund From Work Done or Chemicals Sold	111
64		284	An Act Relating to Common Trust Funds; and the Creation Thereof by Banks and Trust Companies Qualified to Act as Fiduciary, and to Make Uniform the Law With Reference Thereto.	112
65		332	An Act to Amend Section 2 of Chapter 205 of the Session Laws of the Thirty-third Legislative Assembly, 1953, Relating to the Filing and Enforcing of a Lien Upon Grains or Crops for Labor or Service Performed, and Materials Furnished in Crop Dusting or Spraying Such Grains or Crops; Providing That the Time for Filing Such Liens Shall Be Sixty (60) Days After the Last Labor or Service was Performed or Material Furnished in Crop Dusting or Spraying Grains or Crops, and Fixing the Effective Date of Said Act	113
66	5		An Act to Provide a Per Diem Allowance in Lieu of Actual Expenses for Subsistence for Persons Engaged in Traveling Under Any State Department; Providing for the Computation of Such Per Diem Allowance on a Quarterly Basis; Requiring Said Persons to Submit Periodic Schedules of Expenses to the Board of Examiners; Providing for the Filing of Such Schedules of Expenses and Repealing Sections 59-521 to 59-529, Inclusive, Revised Codes of Montana, 1947, as Amended by Chapter 64 of the 1953 Legislative Assembly	114
67	78		An Act to Amend Section 4-425 of the Revised Codes of Montana, 1947, Relating to the Powers of the Montana Liquor Control Board to Refuse, Cancel or Revoke Licenses Issued Under the Montana Retail Liquor License Act (Title 4, Chapter 4, Sections 4-401 Through 4-441, Inclusive, Revised Codes of Montana, 1947) and to Investigate Complaints Respecting the Actions and Operations of Any Retail Licensee; Providing Administrative Procedures and Judicial Review by the District Courts of Actions or Intended Actions of the Board; Repealing Sections 4-426 and 4-427 of the Revised Codes of Montana, 1947; said Section 4-426 Prescribing the Procedure to Be Followed Upon the Filing of Charges Against Licensees; Said Section 4-427 Providing for Hearings by the Board and Appeals From Decisions Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date	117
68	131		An Act to Amend Section 89-1004 of the Revised Codes of the State of Montana of 1947, Relating to the Method of Fixing the Time for the Commencement of the Term of Water Commissioners.	119

HeinOnline -- 1955 xvi 1955

Chap.	Senate Bill	House Bill	Title	Page
69	158		An Act to Amend Section 16-1015, Revised Codes of Montana of 1947, as Amended by Chapter 185 of the Thirty-third Legislative Assembly, 1953, Relating to Taxation to Defray Current Expenses Including Salaries Otherwise Unprovided for, and Repealing All Acts and Parts of Acts in Conflict Herewith.....	119
70		66	An Act to Amend Section 77-402 of the Revised Codes of Montana, 1947, Authorizing Boards of County Commissioners of Counties to Erect and Provide Armories, and Authorizing Cities and Towns to Bear a Pro Rata Part of the Expense of Erecting Such Armories, and Containing a Repealing Clause.....	120
71		111	An Act Amending Section 11-2208 of the Revised Codes of Montana, 1947, Relating to Requirements in Special Improvement Procedure.	121
72		178	An Act to Amend Section 11-1806, Revised Codes of Montana, 1947, Relating to the Presentation and Trial of Charges Brought Against Policemen; Providing for Fifteen (15) Days' Written Notice of Charges; for Rules of Evidence Applicable to Hearing; for Judicial Review of Subpoena Power of the Police Commission; for Limitation of Veto and Modification Power of the Mayor; for Judicial Review of All Questions of Fact and Law; for the Types of Municipalities and Cities to Which This Section Shall Apply; for Defining the Word "Mayor"; and Repealing All Acts and Parts of Acts in Conflict Therewith.....	121
73		221	An Act to Authorize in Certain Instances the Boards of County Commissioners to Levy an Additional Tax of Not to Exceed Four (4) Mills for the County Poor Funds.....	124
74		262	An Act Providing That All Contracts or Policies of Casualty Insurance Covering State-Owned Properties or State Risks Must Contain Therein an Agreement on the Part of the Insurer Waiving All Right to Raise the Defense of Soverign Immunity.....	125
75		289	An Act Providing for the Dispensing of a General Election in Cities Operating Under the Commission-Manager Form of Government When the Nominations Do Not Exceed the Offices to Be Filled and Repealing All Acts and Parts of Acts in Conflict Therewith.....	126
76		319	An Act to Amend Chapter 125 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, Relating to Salary and Expenses of Stenographer, Providing for Furnishing Transcripts and Bills of Exceptions to County Without Cost, Providing Manner in Which Salary Shall Be Paid and Fixing Basis for Apportionment of Salary Between or Among Counties Comprising the Judicial District for Which Said Stenographer Has Been Appointed, and Repealing All Acts and Parts of Acts in Conflict Herewith.....	127
77		321	An Act to Amend Section 38-208.3, Revised Codes of Montana, 1947, as Enacted by Section 3, Chapter 182 of the Session Laws of Montana, 1953, Relating to the Cost of Commitment Proceedings in Emergency Admissions to the Montana State Hospital; and Repealing All Acts and Parts of Acts in Conflict Therewith...	128
78		348	An Act to Amend Section 26-107 of the Revised Codes of Montana, 1947, as Amended by Chapter 58 of the Session Laws of 1951, Relating to Deputy Fish and Game Wardens and Their Appointment; Providing for Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.....	128

HeinOnline -- 1955 xvii 1955

Chap.	Senate Bill	House Bill	Title	Page
79		349	An Act to Amend Section 26-106 of the Revised Codes of Montana, 1947, as Amended by Chapter 81 of the Session Laws of 1951, Relating to the State Fish and Game Warden, His Qualifications and Duties, and to Repeal Section 26-122 of the Revised Codes of Montana, 1947, Relating to Employment of Personnel, and Providing for the Effective Date of This Act.	129
80	24		An Act to Amend Sections 23-505 and 23-509 of the Revised Codes of Montana, 1947, Relating to Registration; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date of This Act.	131
81	32		An Act to Amend Section 7-125 of the Revised Codes of Montana, 1947, Relating to Supervision of Building and Loan Associations by the Superintendent of Banks and the Fee for Making Examinations at the Request of Ten Per Centum (10%) of the Subscribed Stock, for the Purpose of Designating Such Examinations as Special Examinations and Containing a Repealing Clause.	133
82	54		An Act to Amend Section 16-912, Revised Codes of Montana, 1947, as amended by Chapter 100 of the Thirty-second Legislative Assembly of the State of Montana, 1951, relating to Compensation and Mileage of Members of Boards of County Commissioners, and Repealing All Acts and Parts of Acts in Conflict Herewith.	134
83	64		An Act to Amend Section 89-2122, Revised Codes of Montana, 1947, Relating to Liens Upon Lands Within an Irrigation District to Secure Payment of Amounts to Be Paid to the United States Under Contracts Between the Irrigation District and the United States; Providing That Such Amounts Shall Be a General Obligation of the District; Providing That All Lands Now Within the District, or Hereafter Embraced Within the District, Shall Be Subject to a Special Tax or Assessment for the Payment of All Amounts to Be Paid to the United States Under Any Such Contract Between the District and the United States; and Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith.	135
84	S. Sub. 89		An Act to Amend Section 59-701 of the Revised Codes of Montana, 1947, as Amended by Chapter 121 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana of 1953, Relating to the Beginning and Ending of the Fiscal Year; to Provide That All State Offices, Agencies, and Institutions Shall Determine Their Financial Condition at the Close of the Fiscal Year and Shall Close Out Their Fiscal Records as of June 30 of Each Fiscal Year and Providing That the Financial Condition Shall Be Transmitted to the State Controller Not More Than Thirty (30) Days Following the Close of Each Fiscal Year; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith.	136
85	99		An Act to Amend Section 93-5505 of the Revised Codes of Montana, 1947, Relating to Bills of Exceptions in Civil Actions and Providing for the Time for the Preparation and Settlement of Bills of Exceptions and for the Service and Filing Thereof, and for the Delivery Thereof to the Court or Judge; Adding to Said Section a Description of the Contents of a Bill of Exceptions and the Method of Preparation Thereof in Workmen's Compensation Cases, and Repealing All Acts and Parts of Acts in Conflict Herewith.	137
86	116		An Act to Amend Section 26-339 of the Revised Codes of Montana, 1947, Relating to Dumping Refuse From Sawmill Into Streams.	139

HeinOnline -- 1955 xviii 1955

Chap.	Senate Bill	House Bill	Title	Page
87	169		An Act to Amend Section 94-4720 of the Revised Codes of Montana, 1947, by Providing for the Governor's Power to Restore Citizenship, and Providing an Effective Date	140
88		43	An Act to Amend Section 84-1816, Revised Codes of Montana, 1947, as Amended by Chapter 212, Laws of 1953, as Amended by Chapter 241, Laws of 1953, Relating to the Use of the State Highway Fund on the Federal Highway System, Declaring Policy as to the Dissemination of Public Information, Determining Dissemination of Public Information as Proper Administrative Expense, Restricting Annual Expenditure for Dissemination of Public Information, Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for Effective Date of This Act	141
89	23		An Act to Amend Section 5, Chapter 219 of the Laws of 1951, Relating to Place for Payments of Fees by Non-resident Owners or Operators of Trucks, Trailers and Semitrailers, and Repealing All Acts and Parts of Acts in Conflict Herewith	143
90	37		An Act to Amend Section 66-2201, Revised Codes of Montana, 1947, Relating to the Number, Term, Tenure and Qualifications of Members of the State Board of Veterinary Medical Examiners, by Increasing the Number of Members and the Length of Terms of Such Members; Section 66-2202, Revised Codes of Montana, 1947, Relating to the Organization of the Board of State Veterinary Medical Examiners, by Providing for a Minimum of Two (2) Meetings Per Year, That Three (3) Members Shall Constitute a Quorum, and Detailing the Power of the Board to Promulgate and Enforce Rules, Regulations and Orders, to Conduct Examinations and to Hold Hearings; Section 66-2203, Revised Codes of Montana, 1947, Relating to the Expenses and Funds and Records and Reports of Such Board, by Increasing the Salary of the Secretary-Treasurer From One Hundred Fifty Dollars ($150.00) to Five Hundred Dollars ($500.00) Per Year and Authorizing the Board to Hold Moneys Up to Five Thousand Dollars ($5,000.00) in Account; Section 66-2204, Revised Codes of Montana, 1947, Relating to the Conduct of Examinations and Applications for Licenses to Practice Veterinary Medicine, by Requiring Applicants to Be Citizens of the United States over the Age of Twenty-one (21) Years. Establishing a Fee of Twenty-five Dollars ($25.00) Upon Application, Specifying Subjects to Be Covered by Examination, Providing for Reciprocity Arrangements in Lieu of Examination, and Providing for Temporary Permits to Practice Under Specified Circumstances; Section 66-2207, Revised Codes of Montana, 1947, Relating to the Issuance, Registration and Revocation of Licenses, by Changing the Maximum Registration Fee From Two Dollars ($2.00) to Ten Dollars ($10.00) and Providing Procedure to Be Followed When Persons Licensed Under This Act Are Members of the Armed Services or When Persons Licensed Under This Act Fail to Register as Required Hereunder; Section 66-2208, Revised Codes of Montana, 1947, Relating to the Display of License and Certificates and Arrangements With Other Boards, by Empowering the Board to Establish Methods and Procedure for Investigation of Applicants for License by Reciprocity; Section 66-2209, Revised Codes of Montana, 1947, Relating to the Definition of Veterinary Medicine, by Re-defining Such Term; Section 66-2210, Revised Codes of Montana, 1947, Relating to the Revocation of Certificates, by Setting Forth the Grounds for Refusal, Suspension and Revocation of Licenses and Certificates, and by Providing for	

HeinOnline -- 1955 xix 1955

Chap.	Senate Bill	House Bill	Title	Page
			Hearing After Notice as a Condition to Refusal, Suspension or Revocation; Section 66-2211, Revised Codes of Montana, 1947, Relating to the Persons Not Embraced Within the Provisions of This Act, by Specifically Excluding Certain Classes of Individuals; Section 66-2212, Revised Codes of Montana, 1947, Relating to the Penalties for Practice of Veterinary Medicine in Violation of Law, by Providing Conviction Hereunder Shall Be Punishable by a Fine of Not Less Than Two Hundred Dollars ($200.00) or More Than Five Hundred Dollars ($500.00) or by Imprisonment in the County Jail for Not Less Than Thirty (30) Days and Not More Than Six (6) Months or by Both Such Fine and Imprisonment, by Providing a Second Conviction Shall Be Punished by Both Fine and Imprisonment and Conferring Jurisdiction Over All Prosecutions Hereunder Upon the District Court; Directing That Unconstitutionality of a Part of This Act Shall Not Affect or Impair the Remainder; Repealing All Acts or Parts of Acts in Conflict Herewith.....	144
91	68		An Act to Amend Section 32-1608, Revised Codes of Montana, 1947, Relating to Contracts for Work on State Highways by the State Highway Commission and Authorizing the Montana State Highway Commission to Enter Into Contracts With Any Board of County Commissioners of Any County, to Acquire Rights-of-Way, Survey and Construct Federal Farm to Market, Secondary or Feeder Roads Within Such County by Such Method or Methods as May Be Agreed Upon by the State Highway Commission and Such Board of County Commissioners, and Repealing All Acts and Parts of Acts in Conflict Herewith.....	156
92		39	An Act to Amend Section 68-102, Revised Codes of Montana, 1947, Relating to Definitions of Terms Used in the Public Employees' Retirement Act by Redefining the Terms "Public Agency," "State Employee," "Prior Service" and "Compensation Earnable"; and Repealing Subsection (ai); to Amend Section 68-202, Revised Codes of Montana, as Amended by Section 2, Chapter 186, Laws of Montana, 1951, Relating to Who Shall Become Members of the Public Employees' Retirement System; To Amend Section 68-203, Revised Codes of Montana, 1947, Relating to Who Are Ineligible for Membership in the Public Employees' Retirement System; to Amend Section 68-501, Revised Codes of Montana, 1947, as Amended by Section 4, Chapter 186, Laws of Montana, 1951, and Section 1, Chapter 225, Laws of Montana, 1953, Relating to Prior Service Credit to Be Granted to Members of the System; to Amend Section 68-701, Revised Codes of Montana, 1947, as Amended by Section 2, Chapter 176, Laws of Montana, 1953, Relating to the Management of Inactive Accounts; to Amend Section 68-1001, Revised Codes of Montana, 1947, Relating to Medical Examinations of Members Retired for Disability; to Amend Section 68-1002, Revised Codes of Montana, 1947, Relating to the Reduction of Allowance of Disability Beneficiaries; to Amend Section 68-1003, Revised Codes of Montana, 1947, Relating to Effect of Refusal of the Disability Beneficiary to Submit to Medical Examination; to Amend Section 68-1101, as Amended by Section 7, Chapter 186, Laws of Montana, and Section 2, Chapter 225, Laws of Montana, 1953, Relating to the Effect of an Election of a Joint Life Annuity Option on a Death Benefit; to Amend Section 68-1303, Revised Codes of Montana, 1947, Relating to Exemption of Retirement Fund Benefits From Execution, Garnishment, Attachment, Assignment or State or Municipal Taxes; to Amend Section 68-1306, Revised Codes of Montana, 1947, Relating to	

HeinOnline -- 1955 xx 1955

Chap.	Senate Bill	House Bill	Title	Page
			the ineligibility of Retired Members for Retirement Allowance While in State Service; to Amend Section 68-1308, Revised Codes of Montana, 1947, Relating to Compensation Considered for Retirement Contributions; and Directing that Invalidity of a Part of This Act Shall Not Affect or Impair the Remainder, Making This Act Effective Upon Its Passage and Approval and Repealing All Acts or Parts of Acts in Conflict Herewith	157
93		149	An Act to Amend Section 75-1831 of the Revised Codes of Montana, 1947, Relating to the Method of Keeping Books and the Examination of Books of Third Class School Districts Not Maintaining a High School	182
94		171	An Act to Amend Section 59-519, Revised Codes of Montana, 1947, Relating to Nepotism, and the Appointment and Employment of Relatives Within Certain Degrees, and Providing Exceptions Thereto	183
95		176	An Act to Amend Section 31-126, Revised Codes of Montana, 1947, Relating to What Persons Are Exempt From License; by Providing That the Driver's License Issued Hereunder to Any Person Who Enters the United States Armed Forces, If Valid at the Time Such Person Enters Such Service, Shall Continue in Effect Until Thirty (30) Days Following the Date of Separation or Discharge From Such Service Unless Sooner Suspended, Cancelled, or Revoked for Cause	184
96		211	An Act Amending Sections 19-120 and 19-121 of the Revised Codes of Montana, 1947, Relating to the Charles Marion Russell Statue Commission and the Encouragement of Fine Arts in Montana; Providing for the Solicitation of Private Contributions for Such Purposes; Providing for the Montana Fine Arts' Commission and Defining Its Creation, Duties and Purposes.	186
97		245	An Act to Amend Sections 7 and 10 of Chapter 155 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana to Provide for the Government of a Public Hospital District by Three (3) Trustees; to Establish the Qualifications for Such Trustees and the Terms of Office Thereof; to Provide for the Manner of Nomination and Election of Such Trustees; to Provide for the Appointment of a Clerk of the Board of Trustees and to Provide for the Filling of Vacancies in Such Board or the Office of Clerk; to Provide the Manner of Making Rules and Regulations Concerning Such Hospitals as Are Operated by the Said Trustees; to Provide for the Procedures for Collection of Taxes for Said Public Hospital Districts; to Provide for the Duties of the County Treasurer in Relation to the Said Public Hospital District and to Provide for the Manner of Signing Warrants Upon the Funds Thereof; to Provide for the Effective Date of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith	187
98		229	An Act Relating to the Construction, Reconstruction, Improvement and Making of Additions to Municipal Water and Sanitary and Storm Sewer Systems, and Combinations Thereof; the Financing Thereof by the Issuance and Sale of Bonds Payable Solely from the Net Revenues of Such Systems; the Refunding and/or Repurchase of Such Bonds; and the Segregation, Administration and Investment of Such Net Revenues Pending Payment of Such Bonds; and Amending Sections 11-2217 to 11-2220 Inclusive, of the Revised Codes of Montana, 1947, as Amended	190
99		269	An Act Relating to the Creation of a Fact-Finding Committee on Highways, Streets and	

HeinOnline -- 1955 xxi 1955

Chap.	Senate Bill	House Bill	Title	Page
			Bridges; Declaring the Purpose of This Act; Creating the Montana Fact-Finding Committee on Highways, Streets and Bridges; Prescribing the Powers and Duties of Said Committee; and Fixing a License Fee to Finance Said Committee and Appropriating Money for Said Committee; Providing for the Creation of the Montana Council for Highway Research and Specifying the Duties Thereof; Providing for Severability of the Provisions of This Act; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing That This Act Shall Be in Full Force and Effect From and After Its Passage and Approval	196
100		359	An Act to Repeal Section 91-4434 of the Revised Codes of Montana, 1947, Relating to Inheritance Tax on Property Transferred Subject to Any Charge, Estate or Interest Determinable by Death	202
101		370	An Act to Amend Section 8-111 Relating to Hearings Before the Board of Railroad Commissioners of the State of Montana and Providing That the Said Board of Railroad Commissioners, or Its Agent, or Examiner, Must in Every Finding, Order, or Decision State the Reasons for the Making of Said Finding, Order or Decision	202
102		371	An Act to Provide That the Board of Railroad Commissioners of the State of Montana Must Set for Hearing All Applications by Motor Carriers for Certificates of Public Convenience and Necessity and Issue Orders Thereon Within Certain Specified Times	204
103	10		An Act to Amend Section 84-4920 of the Revised Codes of Montana, 1947, Relating to the Revision of Incorrect Income Tax Returns by the Montana State Board of Equalization Relating to the Amount of Tax Due Under Any Return Shall Be Determined by the Board Within Five (5) Years After Return Is Made and Repealing All Acts or Parts of Acts in Conflict Herewith	205
104	25		An Act to Provide for the Planning, Designation, Establishment, Use, Regulation, Alteration, Improvement, Maintenance, and Vacation of Controlled-Access Facilities; the Acquisition of Lands Required Therefor; the Restriction of Intersections and Control of Approaches; the Establishment of Local Service Roads; the Prohibition of Certain Acts Thereon and Provision for Penalties Therefor; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing That This Act Shall Be in Full Force and Effect From and After Its Passage and Approval	207
105	28		An Act to Amend Section 75-3412 of the Revised Codes of Montana, 1947, as Amended by Chapter 189, Laws of 1951, and as Amended by Chapter 201 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana of 1953, Relating to Settlement of Transportation Matters and Controversies, by Providing for Rules and Regulations for Determining Residence of Pupils; and Providing for the Organization and Membership of the County Transportation Committees; and Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for This Act to Be in Full Force and Effect From and After Its Passage and Approval	211
106	49		An Act to Provide for the Reconstruction of Major Bridges on the Designated Primary Highways of the State of Montana; Providing That the Highway Commission Must Adopt a Resolution as a Prerequisite to Expenditure; and Authorizing the State Highway Commis-	

HeinOnline -- 1955 xxii 1955

Chap.	Senate Bill	House Bill	Title	Page
			sion to Allocate Funds for Such Purposes Prior to Apportionment to the Financial District; Providing That Any Such Expenditure Shall Be Deducted from Future Apportionments to the Financial District; and Repealing All Acts and Parts of Acts in Conflict Herewith.....	214
107	57		An Act Providing for an Identification Card Showing Evidence of Age, Which May Be Accepted by Vendors of State Liquor Stores and Licensees Holding Licenses to Sell Beer and Liquor as Evidence of the Legal Age of Persons Desiring to Purchase Beer or Liquor; Prescribing the Form of Such Identification Cards and for the Printing and Distribution Thereof by the Montana Liquor Control Board; Providing for the Filing of Such Identification Cards by Vendors and Licensees and Authorizing the inspection thereof by Peace Officers and by Members and Representatives of the Montana Liquor Control Board; Providing That the License of Any Licensee in Possession of an Identification Card Properly Completed and Signed Shall Not Be Suspended or Revoked for Selling Beer or Liquor to a Person Under the Age of Twenty-one (21) Years Who Has Presented Such Identification Card at the Time of Purchase; Prescribing Definitions and Empowering the Montana Liquor Control Board to Adopt Regulations to Effectuate the Purposes of This Act; Repealing All Acts and Parts of Acts in Conflict Herewith.....	215
108	60		An Act to Amend Section 40-2413, Revised Codes of Montana, 1947, Relating to the Making, Fixing and Regulating of Insurance Rates and Premiums by Prohibiting Regulation of Dividends and by Regulating Deviations; Providing for Deviation From Class Rates, Schedules, Rating Plans or Rules; Copy of Application for Deviation Shall Be Sent Simultaneously to Rating organization; Consideration of Application for Deviation and Pertinent Data; and Each Deviation Permitted to Be Filed Effective for Period of One (1) Year Unless Terminated Sooner With the Approval of the Commissioner; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for This Act to Be in Full Force and Effect From and After Its Passage and Approval.....	218
109	69		An Act to Amend Section 32-302, Revised Codes of Montana, 1947, Relating to the Powers and Duties of County Commissioners Respecting Highways and Providing That the County Commissioners of Any County May Enter Into and Contract Jointly or Independently With the Montana State Highway Commission, United States Bureau of Public Roads or Any Other Federal Agency to Acquire Rights-of-Way, Survey and Construct Federal Farm to Market, Secondary or Feeder Roads, Within Such County by Such Method or Methods as May Be Agreed Upon by the State Highway Commission and Such Board of County Commissioners and Repealing All Acts and Parts of Acts in Conflict Herewith.....	220
110	S. Sub. 88		An Act to Amend Section 82-1109, The Revised Codes of the State of Montana of 1947, as Amended by Chapter 138 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana of 1953, Relating to Claims for Which Appropriations Have Been Made; Providing a Time Limit Within Which Claims Must Be Transmitted to the Board of Examiners, and Providing a Method for Handling Claims Not Presented Within Such Time Limit and Providing for the Rejection or Approval of Such Claims in the Order of Their Presentation; Providing for the Repeal of Acts and Parts of Acts in Conflict Herewith.....	223

HeinOnline -- 1955 xxiii 1955

Chap.	Senate Bill	House Bill	Title	Page
111	93		An Act Defining Public Auction Sales and to Regulate and License Sale by Auction of New Merchandise, and to Fix the Amount of License Fees to Be Paid, to Provide for the Collection Thereof and to Require Bond and the Filing of Inventories of Goods Sold, and to Provide for Exemptions From This Act, to Grant Full Power to Towns and Cities to Pass Auction Sale Laws and to Provide Penalties for the Violation or Non-compliance of Any of Terms of This Act, and to Provide a Saving Clause; and Providing an Effective Date	224
112	119		An Act to Amend Section 4-123 of the Revised Codes of Montana, 1947, Relating to the Powers of the Montana Liquor Control Board in the Issuance of Permits to Purchase Alcoholic Beverages; Eliminating Certain Classes of Such Permits; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date	229
113	123		An Act to Amend Section 26-320 of the Revised Codes of Montana, 1947, Relating to Closed Season and Bag Limit on Migratory Game Birds; Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed	231
114	125		An Act to Amend Section 26-335 of the Revised Codes of Montana, 1947, as Amended by Chapter 101 of the Session Laws of 1949, Relating to the Use of Explosives or Poison in Taking Fish and Making the Same Unlawful and Providing Penalties Therefor; and Providing That All Acts or Parts of Acts in Conflict Herewith Are Hereby Repealed	232
115	S. Sub. 153		An Act to Amend Section 26-114 of the Revised Codes of Montana, 1947, Relating to the Making of Sheriffs, Constables, Peace Officers and State Forest Officers Ex-Officio Deputy Fish and Game Wardens; to Provide for Revoking Special Deputy Fish and Game Warden Appointments; Repealing Section 26-113 of the Revised Codes of Montana, 1947, Relating to the Appointment of Special Deputy Fish and Game Wardens; and Repealing All Acts and Parts of Acts in Conflict Herewith	232
116	S. Sub. 154		An Act to Amend Section 26-702 of the Revised Codes of Montana, 1947, Relating to Permit to Resident to Ship Animals or Parts of Animals from the State, and Repealing All Acts or Parts of Acts in Conflict Herewith	233
117	172		An Act to Amend Section 80-740 of the Revised Codes of Montana, 1947, by Requiring the Warden of the State Prison to Advise the Board of Pardons of the Good Time Granted to Convicts and by Deleting Conflicting Portions of Said Section; Repealing Sections 80-739 and 80-741, of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date Clause	234
118	174		An Act to Amend Section 2, Chapter 82, Laws of 1949, Providing for Salary of the Commandant of the Soldiers' Home of the State of Montana; and Providing for the Qualifications Necessary for the Commandant of the Soldiers' Home of the State of Montana to Possess.	236
119	179		An Act to Bring Up-to-Date and in Harmony With Current Standards Recognized Herein and Adopted Hereby Certain Provisions of Chapter 1, Entitled "Pure Food and Drug Act" Under Title 27, Revised Codes of Montana, 1947, Entitled "Food and Drugs." and for Such Purposes to Amend Four (4) Sections of the Revised Codes of Montana, 1947, Under Said	

HeinOnline -- 1955 xxiv 1955

Chap.	Senate Bill	House Bill	Title	Page
			Chapter, Namely Sections 27-110, 27-112, 27-116 and 27-117, Revised Codes of Montana, 1947, Which Sections Contain References to the Federal Food and Drug Act of June 30, 1906, and to Rules and Regulations Promulgated Thereunder by Its Administrators, while the same Were in Force, and Which Federal Act (and the Rules and Regulations Promulgated Thereunder) Were Afterwards Repealed by the Congress of the United States Under and by the Provisions of the Federal Food, Drug and Cosmetic Act of June 25, 1938, 52 U. S. Statutes at Large 1040, and Following Sections Thereunder Upon Such Subjects (Title 21 U. S. C. 301, and Following Sections Thereunder Upon Such Subjects), and to Substitute for the References to Such Repealed Act of 1906, and to the Rules and Regulations Promulgated Thereunder, References to the Said Federal Food, Drug and Cosmetic Act, Approved June 25th, 1938, as Revised, Amended and Supplemented, References to the Rules and Regulations Promulgated Thereunder, to the Extent Herein Prescribed, and Not Otherwise, and to Charge the State Board of Health of the State of Montana With the Responsibility for the Administration and Enforcement of the "Pure Food and Drug Act" of Montana, and All Other Acts Whereby Powers and Functions Are Placed in Said Board and Duties Are Assigned to Said Board in the Field of Food and Drug Regulations; and to Authorize and Direct the Said State Board of Health to Adopt, Subject to the Limitations and Conditions of This Act Set Forth, the Food and Drug Standards of, and the Rules and Regulations Authorized Under and By, the Federal Food, Drug and Cosmetic Act of 1938, as Amended, and as Supplemented, for Application in the State of Montana; and to Make the Board, as a Board, the Responsible Administrative Agency in the Administration and Enforcement of Such Laws; and to Repeal Section 27-114, Revised Codes of Montana, 1947	237
120	201		An Act to Amend Section 1, Chapter 26, Session Laws of 1949, Providing for Preference of Veterans and Certain Disabled Civilians in Appointment and Employment in Every Public Department and Upon All Public Works of the State of Montana and of Any County and City Thereof; Providing for a Veteran's Credit in Examinations; Providing for the Enforcement of the Provisions of Said Act, Defining Terms Used in This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith	243
121		80	An Act to Amend Chapter 3 of Title 78, Section 302, of the Revised Codes of Montana, 1947, Relating to the Power of the Commission to Expend Funds for Furniture, Dioramas, Displays, Works of Art and Workmanship for the Veterans'-Pioneers' Memorial Building; Repealing All Acts and Parts of Acts in Conflict Herewith	246
122		92	An Act to Amend Sections 84-2402 and 84-2404, Revised Codes of Montana, 1947, Relating to Licenses and Fees of the Store License Tax Act, and Repeal Section 84-2408	247
123		114	An Act to Amend Chapter 1, Title 53, Revised Codes of Montana, 1947, by Adding a New Section 53-106.1 to Provide for the Registration of Motor Vehicles Owned and Operated Solely as Collectors' Items; Providing the Fees to Be Paid for Such Registration; and Providing for the Issuance of License Plates for Such Motor Vehicles	248
124		116	An Act Permitting Banks as Defined by Sections 5-102, 5-104, 5-105, Trust Companies as Defined by Section 5-106, of the Revised Codes	

HeinOnline -- 1955 xxv 1955

Chap.	Senate Bill	House Bill	Title	Page
			of Montana, 1947, and National Banks, or National Banking Associations, and Any Federal Reserve Bank, Doing Business in the State of Montana, to Remain Closed on Saturdays, at the Election of Any Said Banks, Trust Companies and National Banks, or National Banking Associations, and Any Federal Reserve Bank, and Providing That Any Saturday on Which a Bank Remains Closed, Shall Be, With Respect to Such Banks, a Holiday and Not a Business Day; and That Any Act Authorized, Required or Permitted to Be Performed At or By Any Bank on a Saturday, May Be Performed on the Next Succeeding Business Day, Without Liability of Any Kind, or Loss of Rights of Any Kind Which Shall Result From Such Closings on Saturday; and Providing That Banks May Amend Their Bylaws to Provide for Saturday Closing Under This Act, and That Any and All Sections of the Codes of Montana, and Session Laws of Said State, and Any and All Acts in Conflict With the Right of Closing on Saturday, Shall Be Repealed Hereby.	249
125		134	An Act to Amend Section 3 of Initiative No. 54, Adopted by the Vote of the Legal Electors of the State of Montana at the Regular General Election Held in the State of Montana on November 7, 1950, to Guarantee to All Widows, or Orphans, or Parents, as the Case May Be, Whose Fathers, or Husbands, or Sons Died in the Line of Duty While in Military Service During World War II, Payment of an Amount of Not Less Than Five Hundred Dollars ($500.00) for Said Honorarium	251
126		191	An Act Providing Penalties for Abandoning or Discarding Refrigerators, Iceboxes or Ice Chests With Attached Doors, or Lids in Places Accessible to Children; Providing Persons Knowingly Permitting Such Conditions to Exist to Be Negligent in Addition to Penalties and Containing a Repealing Clause	253
127		196	An Act to Amend Chapter 223, Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Acquisition, Construction, Establishment, Maintenance and Financing of Off-Street Parking Facilities for the Parking of Motor Vehicles by a City of the State of Montana, by Amending Section 1 Thereof, Relating to the Purposes of Said Act; by Amending Section 3 Thereof Relating to Creation of Parking Commissions by Providing How the Question of Authorizing the Parking Commission or City to Adopt the Revenue Bond Method of Financing Projects Shall Be Submitted to the Electors for the Purposes of this Act; by Amending Section 9 thereof Relating to Leases and Bids for Operation of Any Projects by Providing That the Commission May Lease to the City or the City May Operate Parking Projects Itself If It Be Found and Determined by the Commission or City That Lease of Any Project Will Not Accomplish the Purposes of This Act and the Public Interest Will Not Be Served.	253
128		218	An Act to Establish a Child Welfare Advisory Committee to Be Appointed by the Governor of the State of Montana; Providing for the Duties of Such Committee; Its Composition, and Period of Existence; Providing an Effective Date	256
129		249	An Act to Provide for the Payment of the Cost of Care and Maintenance at the Montana State Hospital by Those Who Make a Voluntary Application for Admission to the Montana State Hospital and Fixing the Amount to Be Charged Therefor	257

HeinOnline -- 1955 xxvi 1955

Chap.	Senate Bill	House Bill	Title	Page
130		250	An Act to Amend Sections 38-707 and 38-708 of the Revised Codes of Montana, 1947, Fixing the Amount to Be Charged for the Cost of Care and Maintenance for Inebriates and Making the Cost a Proper Charge Against the County From Which the Patient Is Committed in Certain Cases, and Establishing the Procedure Thereof.	258
131		259	An Act to Amend Section 90-129 of the Revised Codes of Montana, 1947, as Amended by Chapter 158, Laws of Montana, 1953, Relating to Inspection of Weighing and Measuring Devices by Providing a Penalty for Violations of Its Provisions; Eliminating the inspection fees Provision Thereof, and to Amend Section 60-201 of the Revised Codes of Montana, 1947, Transferring the Licensing of Petroleum Products' Dealers to the State Sealer of Weights and Measures from the Public Service Commission of Montana, and to Amend Section 60-202 of the Revised Codes of Montana, 1947, Establishing License Fees Effective Subsequent to January 1, 1956, for Retail Dealers of Gasoline, Diesel and Fuel Oil With Additional Fee for Additional Pumps, for Vehicle Tank Meters and Bulk Petroleum Meters and for Vehicle Tanks Without Meters; and Fixing Penalties for the Violation of This Act.	259
132		278	An Act to Amend Section 26-321 of the Revised Codes of Montana, 1947, Relating to the Open and Closed Season for Furbearing Animals; to Provide for the Tagging of Traps, Tagging of Marten Pelts and Importing Marten Pelts From Another State; and Providing Penalties for Violation of the Act.	263
133		305	An Act to Amend Sections 80-904 and 80-918 of the Revised Codes of Montana, 1947, by Providing for a Five (5) Member Executive Board for the State Vocational School for Girls; by Providing That Two of Such Board Members Reside in the County in Which the Institution Is Located; by Providing That Only Girls Between the Ages of Ten (10) and Eighteen (18) Be Committed to Said Institution; and by Repealing Section 80-905 of the Revised Codes of Montana, 1947, Relating to the Oath and Bond of Members of Said Executive Board.	265
134		322	An Act to Amend Section 16-1406, Revised Codes of Montana, 1947, Relating to the Appropriation and Tax Levy for County Fairs.	266
135		400	An Act to Provide for the Taxation of the Net Proceeds of Mines or Wells Producing Natural Gas, Petroleum or Other Crude or Mineral Oil, and Repealing Section 84-5404, Revised Codes of Montana, 1947, and All Acts or Parts of Acts in Conflict Herewith.	267
136	33		An Act to Amend Section 14-106 of the Revised Codes of Montana, 1947, Relating to Supervision of Credit Unions by the State Examiner, for the Purpose of Providing a Fee for Examinations at the Rate of Thirty Dollars ($30.00) a Day Plus Expenses for Each Person Making the Examination, and Providing for a Repealing Clause and an Effective Date.	273
137	35		An Act to Amend Section 5-910 of the Revised Codes of Montana, 1947, as Amended by Chapter 58 of the Thirty-third Legislative Assembly, Relating to the Special Examinations and the Fees for Same for the Purpose of Specifically Including Credit Unions Within the Scope of Said Section, Providing for a Repealing Clause and an Effective Date.	274
138	40		An Act Permitting Actions on Express Contracts Against the State of Montana and Describing the Practice and Procedure Therefor.	275

HeinOnline -- 1955 xxvii 1955

Chap.	Senate Bill	House Bill	Title	Page
139	S. Sub. 44		An Act to Make It Unlawful for the Operation of Boats on the Waters Within the State of Montana Without Suitable Life Saving or Life Preserving Equipment Carried Therein and Providing for a Penalty for Violation of this Act.	277
140	46		An Act to Amend Section 75-1904, Revised Codes of Montana, 1947, Relating to Checking Census Reports, Number of Handicapped to Be Ascertained, to Provide for Keeping Alphabetical Card Index of Census in County Superintendent's Office Only and to Provide for Census of All Handicapped Children; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.	278
141	48		An Act to Amend Section 75-1523, Revised Codes of Montana, 1947, Relating to Census to Be Transmitted to Bureau of Labor and Industry and Superintendent of Public Instruction; to Provide That Copies of Census Materials Need Not Be Sent to Bureau of Labor and Industry; to Provide That Index Cards on School Census Need Not Be Sent to Superintendent of Public Instruction and to Provide for Sending to the State Superintendent of Public Instruction Such Census Reports as the Latter May Require.	279
142	S. Sub. 50		An Act to Create a State Water Pollution Council, to Control, Prevent and Abate Pollution of the Surface and Underground Waters of the State of Montana, and Repealing Chapter 184 of the Thirty-first Legislative Assembly, and Repealing All Acts or Parts of Acts in Conflict Herewith and for Other Purposes.	280
143	65		An Act to Amend Section 53-129 of the Revised Codes of Montana, 1947, as Amended by Section 3, Chapter 195, Laws of 1953, Relating to Foreign Vehicles Used in Gainful Occupation—Registrar of Motor Vehicles May Make Reciprocal Agreements to Exempt by the Establishment of a State Reciprocity Board and Designating the Representatives to Serve on Said Board, by Providing for Meetings of the Board, by Providing That the Board has Authority to Establish Rules and Regulations, by Providing for Notice of Meetings and That Three Members of the Board Shall Constitute a Quorum, and Repealing All Acts and Parts of Acts in Conflict Herewith.	290
144	79		An Act to Amend Section 84-4195 of the Revised Codes of Montana, 1947, Relating to the Apportionment of Proceeds of Sales and Leases of County Tax Deed Lands, for the Purpose of Providing That the Proceeds of Royalties Reserved from Sale of Tax Deed Lands Be Credited to the County General Fund; Repealing All Acts and Parts of Acts; and Providing for the Effective Date of This Act.	294
145	90		An Act to Amend Section 15-1702 (6652) of the Revised Codes of Montana, 1947, Relating to Designation and Consent of Process Agent of Foreign Corporations, Change of Principal Place of Business in Montana, and or Change of Its Resident Agent Within This State.	295
146	102		An Act to Amend Section 26-806 of the Revised Codes of Montana, 1947, Relating to the Possession, Purchase, Selling or Transportation Within the State of Fish, Game or Fur-Bearing Animals or Parts Thereof, and to Repeal Section 26-706 of the Revised Codes of Montana, 1947, Relating to Transporting or Selling Illegally Taken Fish; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.	298

HeinOnline -- 1955 xxviii 1955

Chap.	Senate Bill	House Bill	Title	Page
147	107		An Act to Amend Section 81-1412 of the Revised Codes of Montana, 1947, Relating to Fire Wardens.	298
148	117		An Act to Amend Section 16-1907, Revised Codes of Montana, 1947, as Amended by Chapter 159, Laws of 1953, Relating to the Limitation of Total Expenditures Which May Be Made or Liabilities Which May Be Incurred in Any County in Any Fiscal Year to Meet Emergencies, Establishing Such Limitations, and Providing for the Holding of Elections to Vote on the Question of Authorizing Additional Emergency Expenditures	299
149	122		An Act to Amend Section 26-217 of the Revised Codes of Montana, 1947, Relating to the Alteration or Transfer of License; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed	303
150	124		An Act to Amend Section 26-108 of the Revised Codes of Montana, 1947, Relating to Deputy State Fish and Game Wardens, and Their Qualifications, by Making Provision for Removal, Rating, Salaries and Expenses of All Employees, and to Repeal Section 26-112 of the Revised Codes of Montana, 1947, as Amended by Chapter 133 of the Session Laws of 1951, Relating to Fish and Game Wardens, Their Removal, Rating, Salary and Expenses, and to Repeal Section 26-113 of the Revised Codes of Montana, 1947, Relating to Special Fish and Game Wardens; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed	304
151	157		An Act to Provide for Control of the Affairs of Credit Unions by the State Examiner When Such Affairs Are in an Unsound Condition; Providing the Procedure for Appointment of the State Examiner as Receiver of a Credit Union When Its Affairs Are Not Restored to a Sound Condition; Providing for the Powers of Such Receiver; and Repealing All Acts or Parts of Acts in Conflict Therewith	305
152	S. Sub. 164		An Act to Amend Section 23-1303 of the Revised Codes of Montana, 1947, as Amended by Chapter 104 of the Session Laws of the Thirty-third Legislative Assembly of 1953, Providing for the Form of Application of Absentee or Physically Incapacitated Persons; and Providing for a Written Request in Lieu of Said Application by Any Voter in the Armed Services of the United States, Merchant Marines of the United States and Civilians Attached to and Serving With the Armed Forces Outside of the United States	307
153	170		An Act Creating a Board of Pardons and Prescribing the Appointment and Composition Thereof, With Power and Duty to Grant Paroles, Within Restrictions, to Supervise Probations and Suspended Sentences, to Recommend After Duly Noticed Public Hearing That the Governor Remit Fines and Forfeitures, Grant Pardons, Absolute or Conditional; Grant Commutations of Punishments After Conviction and Judgment for Offenses Committed Against the Criminal Laws of this State; Providing for a Director and a Staff to Administer the Provisions of This Act, and Defining Their Duties; Requiring Records of Board Proceedings; Providing for Arrest of Parolees or Probationers Upon Violation of Conditions of Release; Providing Penalties for Parole or Probation Violators; Defining Rights of Attorneys to Hearing Before the Board; Providing the Board With Power to Subpoena Witnesses, and Make Rules and Regulations Under the Provisions of This Act; Defining Governor's Power to Respite; Requiring Governor to Report Acts of	

HeinOnline -- 1955 xxix 1955

Chap.	Senate Bill	House Bill	Title	Page
			Executive Clemency to the Legislative Assembly; Excluding Juveniles; Providing a Saving Clause; Repealing Sections 94-9801, 94-9802, 94-9803, 94-9804, 94-9805, 94-9806, 94-9807, 94-9808, 94-9809, 94-9810, 94-9811, 94-9812, 94-9813, 94-9814, 94-9815, 94-9816, 94-9817, 94-9818, 94-9819 and 94-9820, Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date Clause.	308
154	173		An Act to Amend Section 3, Chapter 82, Laws of 1949, Providing for the Qualifications Necessary for Veterans to Be Eligible for Admittance to the Soldiers' Home of the State of Montana.	321
155	177		An Act to Amend Section 79-1002, Revised Codes of Montana, 1947, as Amended by Section 7, Chapter 194, Session Laws of 1951, Providing That If Any State Department, Institution or Agency Requiring an Annual Appropriation Shall Fail to Present Such Request Within the Time Allowed by Law, the State Controller Shall Prepare a Budget Request on Behalf of Such Department, Institution or Agency; Repealing All Acts and Parts of Acts in Conflict Herewith	322
156	22		An Act to Amend Section 10, Chapter 219 of the Laws of 1951, Relating to the Enforcement of the Provisions of Said Act Relative to the Examination and Inspection of Trucks, Trailers and Semitrailers, Busses, or Automobiles Operating Upon the Highways in This State, and Providing by Whom Said Act Shall Be Enforced; and Repealing All Acts and Parts of Acts in Conflict Herewith	323
157	41		An Act to Amend Subsection 15 of Section 26-104 of the Revised Codes of Montana, 1947, as Amended by Chapter 40 of the Session Laws of 1951, Said Subsection Relating to the Power and Authority of the Commission to Fix Seasons and Bag Limits, Open or Close, Shorten or Lengthen Seasons; and to Repeal Chapter 20 of the Session Laws of 1953 Relating to Special Permits for the Killing of Game Animals When Increasing in Numbers; Repealing Chapter 20 of the Session Laws of 1953 and All Other Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.	324
158	121		An Act to Amend Section 26-307 of the Revised Codes of Montana, 1947, Relating to the Open Season for Elk and the Waste of Meat, and Adding a Provision Thereto Making It Unlawful for Any Person to Kill More Than One Game Animal of Any One Species in Any One License Year, Unless the Killing of More Than One Game Animal of Any One Species Has Been Authorized Under the Law or Under the Rules and Regulations of the State Fish and Game Commission; and Repealing Section 26-309 of the Revised Codes of Montana, 1947, Relating to Taking More Than One Elk and Waste of Meat, Section 26-310 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-312 of the Revised Codes of Montana, 1947, Relating to Taking More Than One Elk and Wasting Meat, Section 26-313 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-314 of the Revised Codes of Montana, 1947, Relating to the Open Season on Deer and Wasting Meat, Section 26-318 of the Revised Codes of Montana, 1947, Relating to Closed Season for Rocky Mountain Sheep and Goats, Section 26-341 of the Revised Codes of Montana, 1947, Relating to Killing Game for Head, Hide, Antlers, Tusks or Teeth, Wasting of Game Fish or Birds, and Section 26-342 of the Revised Codes of Montana, 1947, Relating to Failure to Dress Game	325

HeinOnline -- 1955 xxx 1955

Chap.	Senate Bill	House Bill	Title	Page
159	185		An Act to Amend Section 26-324 of the Revised Codes of Montana, 1947, Relating to Penalties for Violating the Fish and Game Laws of the State, or Orders, Rules and Regulations of the Fish and Game Commission Made Pursuant to the Authority Given the Fish and Game Commission Under the Law; and Repealing Section 26-130 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-304 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-340 of the Revised Codes of Montana, 1947, Relating to the Killing of Moose, Bison, Buffalo, Caribou or Antelope and Penalty, Section 26-343 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-505 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-807 of the Revised Codes of Montana, 1947, Relating to Penalty, and Section 26-810 of the Revised Codes of Montana, 1947, Relating to Penalty; Repealing All Acts and Parts of Acts in Conflict Herewith.....	327
160		36	An Act to Amend Section 75-2707, Revised Codes of Montana, 1947, as Amended by Chapter 28, Laws of 1949, and as Last Amended by Chapter 216, Laws of 1953, by Providing for the Payment to the Named Beneficiary of a Deceased Member of the Teachers' Retirement System the Sum of Fifty Dollars ($50.00) Per Month for Each Child of Said Deceased Member Under the Age of Eighteen (18) Years If the Named Beneficiary Is the Surviving Spouse of the Deceased Member and the Deceased Member Was Actively Engaged as a Teacher Within One (1) Year Prior to His Death, and Provided Further That Such Payments Shall Not Exceed in Any One Month the Sum of One Hundred Dollars ($100.00); and Repealing All Acts and Parts of Acts in Conflict Herewith.....	328
161		350	An Act Relating to Rentals to Be Paid for State Oil and Gas Leases Hereafter Made, Fixing the Annual Rentals at One Dollar ($1.00) Per Acre, Except That the Rental for the First Year Shall Also Include Any Additional Sum Offered and Accepted Therefor; Fixing the Filing Fee for State Oil and Gas Leases at Five Dollars ($5.00) and Providing That the Filing Fee, First Year's Rental and Consideration for the Lease Shall Be Paid Before the Issue of the Lease; Providing That the State Board of Land Commissioners May Terminate Such Lease at the End of the Second Year or Any Subsequent Year Upon Failure of the Lessee to Drill a Well or to Pay a Delay Drilling Penalty and Providing for the Amount of Such Delay Drilling Penalty and Making Further Provision for the Drilling of Wells and the Payment of Such Penalties; and Providing That Sections 81-1703 and 81-1706 of the Revised Codes of Montana, 1947, Shall Not Apply to State Leases Hereafter Made; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Effective Date of This Act.....	334
162		243	An Act Imposing a Tax Upon the Use, Receipt, Delivery or Placing Into the Fuel Supply Tanks of Motor Vehicles Which Are Within This State, of Special Fuels as Defined Herein; Providing for the Payment of Such Tax to the State Board of Equalization; Requiring a License for Special Fuel Dealers and a License and Permit for Special Fuel Users as Defined in This Act; Providing Methods for the Assessment, Collection and Disposition of Such Tax, and for the Keeping of Records; Providing the Procedure for Credits; Providing That This Act May Be Cited as the "Special Fuel Tax Act"; Defining Terms; Providing for Monthly Returns and Payments; Providing for Judicial Review and Appeals; Providing for the Severability of the Provisions of This Act;	

HeinOnline -- 1955 xxxi 1955

Chap.	Senate Bill	House Bill	Title	Page
			Providing for the Administration of This Act and for Violations and Penalties; and Repealing Sections 84-1824, 84-1825, 84-1826, and 84-1827, Revised Codes of Montana, 1947, and All Other Acts and Parts of Acts in Conflict Herewith.	336
163		Sub. 129	An Act to Amend Section 84-4924 of the Revised Codes of Montana, 1947, Relating to Penalties for Violations of the State Income Tax Law.	347
164		109	An Act to Amend Sections 87-106 and 87-109 of the Revised Codes of Montana, 1947, as Amended by Chapter 191, Laws of Montana, 1953, Section 87-148 of the Revised Codes of Montana, 1947, as Amended by Chapter 160, Laws of Montana, 1953, Section 87-145 of the Revised Codes of Montana, 1947, as Amended by Chapter 150, Laws of Montana, 1951, and Sections 87-126, 87-133, 87-134, 87-138 and 87-146 of the Revised Codes of Montana, 1947, Which Sections are a Part of the Unemployment Compensation Law, by Changing the Qualifications for Benefits; Allowing Abatement of Certain Charges to Employer Accounts by Reason of Benefits Paid; Reorganizing the Subsection Lettering of Section 87-109; Rewording Procedure for Enforcing Subpoenas; Adding Statute of Limitations for Collection of Overpaid Benefits; Revising Jurisdiction for Prosecution of Fraud; Entering Name of Proper Federal Agency in Sections 87-133, 87-134 and 87-138; Eliminating obsolete wording; Providing a Saving Clause; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.	348
165		Sub. 130	An Act Authorizing and Creating a Permanent Care and Improvement Fund for Public Cemetery Districts; Relating to Transfers of Money by Public Cemetery District Trustees to the Fund; Providing for the Manner of Appointment and Qualifications of Trustees, Including Corporate Trustees, Providing for the Tenure of Office of Trustees; and Manner of Filling Vacancies; Providing for Surety Bonds for Trustees; Allowing Trustees of the Fund to Deposit Money, Bonds and Securities With the County Treasurer; Providing Fund Be Inviolable and Separate From Other Funds; Providing That Future Conveyance of Lots Designate the Percentage of the Purchase Price Transferred to Fund; Providing for Compensation, Reports, Records and a Secretary of Said Trustees; Validating Existent Funds If Consistent With This Act; Containing a Savings or Separability Clause and Providing for a Short Title.	367
166		137	An Act to Amend Section 4202, Title 84, Revised Codes of Montana, 1947, as Amended by Chapter 23, Laws of 1951, Relating to the Duty of County Treasurers in Collection of Personal Property Taxes Not a Lien on Real Property and Repealing All Acts or Parts of Acts in Conflict Herewith.	374
167		138	An Act Relating to Vocational Rehabilitation and Related Services for the Blind; Establishing a Plan for Cooperation With the Federal Government in Such Services; Providing for Administration of the Program by the Public Welfare Department; Defining Terms; Establishing Standards of Eligibility; Repealing Conflicting Acts.	375
168		139	An Act to Provide for the Acceptance by the State of Montana of the Requirements of the "National Defense Facilities Act of 1950" to Provide for the Acquisition, Construction, Expansion, Rehabilitation, or Conversion of Armories and Facilities Necessary for the Ad-	

HeinOnline -- 1955 xxxii 1955

Chap.	Senate Bill	House Bill	Title	Page
			ministration and Training of the Montana National Guard, Its Units, Its Components, or Any Organization Affiliated Therewith; Declaring an Emergency; and Repealing All Acts or Parts of Acts in Conflict Herewith	381
169		150	An Act to Amend Section 82-1008 of the Revised Codes of Montana, 1947, Relating to the Examination of Accounts of Cities, Towns and Certain School Districts	384
170		179	An Act to Amend Sections 11-725, 11-728, 11-729, and 11-731, of the Revised Codes of Montana, 1947, as Amended by Chapter 76 of the Laws of the Thirty-third Legislative Assembly, 1953, Pertaining to Salaries and Qualifications of Mayor, Aldermen, City Treasurer, City Attorney, and City Clerk, and Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date	385
171		183	An Act Authorizing the State Fish and Game Commission to Issue Special Nonresident Antelope and Special Nonresident Deer Licenses, Fixing the Fees, and Powers and Duties Under Such Licenses	387
172		194	An Act to Amend Section 75-3308, Revised Codes of Montana, 1947, and Section 1 of Chapter 61, Laws of 1953, Relating to the Authority for Regulating Design, Construction and Operation of School Busses; and Meeting School Busses, Receiving and Discharging Children and Duty to Stop; to Provide for Qualifications of School Bus Drivers; to Define the Term of "Approved School Bus"; to Provide for the Marking of School Busses; to Provide for the Lighting of School Busses; to Provide for Traffic When School Busses Are Loading or Unloading; to Provide for the Stopping of School Busses When Crossing Railroad Tracks; and Repealing All Acts and Parts of Acts in Conflict Herewith	388
173		210	An Act to Amend Section 91-104, Revised Codes of Montana, 1947 Relating to Who May Take by Will; and to Testamentary Dispositions to Natural Persons and to the United States of America, the State of Montana, Counties and Municipal Corporations Thereof; and to Religious Congregations or Churches, Incorporated or Unincorporated, Benevolent, Charitable, Scientific, Literary, Educational, or Fraternal Societies, Associations or Lodges; and to Corporations Heretofore or Hereafter Formed, for Religious, Benevolent, Charitable, Scientific, Literary, Educational or Fraternal Purposes; and to Corporations Heretofore or Hereafter Formed for the Operation or Conduct of Hospitals, Homes, and Units and Facilities thereof; for the Care of Aged, Sick or Infirm Adults, or for the Care and Custody of Children, Including Children Born Out of Wedlock, Orphans, Sick, Crippled, Infirm, Dependent, Neglected or Abandoned Children; and to Corporations Heretofore or Hereafter Formed for the Public Preservation of Forests and Natural Scenery; and to Maintain Public Libraries, Museums, Art Collections, Historical Sites and Areas, and Public Play Grounds and Recreational Areas; and Authorizing Devises, Bequests, and Other Testamentary Dispositions to or for Any Thereof; and, Also, Authorizing Gifts, Grants and Donations of Property of all Kinds to or for Any Thereof and Declaring Any Thereof Competent to Take and Receive the Same by Any Such Means; and Preserving the Rights of the State of Montana and Its Institutions Under Sections 91-105 and 91-106, Revised Codes of Montana, 1947; and to Make This Act Retroactive to the Extent That It Shall Apply to All Estates Which Remain Undistributed at the Time of the Effective Date of This Act	391

HeinOnline -- 1955 xxxiii 1955

Chap.	Senate Bill	House Bill	Title	Page
174		Sub. 222	An Act to Provide for an Importer's Tax on Persons Who Purchase Gasoline Outside the State of Montana and Use the Gasoline Within the State to Operate Motor Vehicles Upon the Public Highways; Providing for Monthly Statements by Importers; Providing for Payment of the Tax and for Penalties; Providing That the State Board of Equalization Has Power to Make Statements, and to Examine the Books, Records and Papers; Defining Terms; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for an Effective Date	394
175		235	An Act to Amend Section 4, Chapter 219, Laws of 1951, Relating to Time for Payment of Fees —Half Fee After July First; and Repealing All Acts and Parts of Acts in Conflict Herewith	397
176		237	An Act to Amend Section 11-1821, Revised Codes of Montana, 1947, as Amended by Chapter 69, Session Laws of Montana, 1951, and Chapter 45, Session Laws of Montana, 1953, Relating to the Payment of Police Reserves and Providing That, in Any Event, Upon the Death of Any Policeman or any Officer on the Active List or Reserve List of Any City or Town, His Surviving Dependent Widow Shall Be Paid from the Police Reserves Fund a Sum Equal to One-half the Salary Such Policeman or Officer Was Receiving During a Stipulated Period	397
177		238	An Act to Amend Section 2, Chapter 219, Laws of 1951, Relating to Additional Fees on Trucks, Truck-Tractors, Trailers and Semitrailers from Other States; and Repealing All Acts and Parts of Acts in Conflict Herewith	399
178		239	An Act to Amend Section 66-505, Revised Codes of Montana, 1947, Relating to Requirements Necessary to Make Application for a License to Practice Chiropractic, and Providing for Applicants After March 15, 1959, to Present Evidence of Completion of Two (2) Years of College or University Work	400
179		254	An Act to Amend Section 40-1201, Revised Codes of Montana, 1947, Relating to the Composition of the State Insurance Commission, by Providing the State Controller Shall Be a Member Thereof in Lieu of the State Accountant Which Office No Longer Exists; Providing for the Composition of Said Commission in the Event the Office of State Controller Should Be Abolished or His Functions Transferred to Another Office or Officer Providing the State Treasurer Shall Be a Member Thereof in Lieu of the Chairman of the State Board of Equalization; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval	401
180		294	An Act to Encourage Industrial Development in Montana; Appropriating Funds to Continue Experiments and Studies by the Engineering Experiment Station for Commercial Utilization, Classification and Testing for Such Utilization, Montana's Vast Coal and Lignite Resources.	403
181		312	An Act to Amend Section 88-133 of the Revised Codes of Montana of 1947, Relating to Satisfaction of Warehouseman's Lien—Advertisement and Sale of Goods and Distribution of Proceeds.	404
182		337	An Act to Provide for the Payment of Fees and Issuance of Special Permits on Vehicles Engaged in a Single Movement on the Public Highways of This State; Providing for the Fees for Issuance of Special Permits; Providing That Such Permits Be for the Transit of	

HeinOnline -- 1955 xxxiv 1955

Chap.	Senate Bill	House Bill	Title	Page
			the Vehicle Only and for One (1) Transit Only; Providing That the Special Permits Shall Be Issued by the County Treasurer; Providing That the Fees Collected Under This Act Shall Belong to the General Road Fund of the County; Providing for the Effective Date of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith	406
183		372	An Act to Provide for the Payment of Fees and Issuance of Identification Plates to Persons, Firms and Corporations Moving Special Mobile Equipment Occasionally Over the Highways; Providing for the Fees for Issuance of Identification Plates; Providing for the Collection of Such Fees by the County Treasurer; Providing for Display of Identification Plates and Receipts for Same on Each Piece of Equipment; Providing for Deposit of Such Funds from Identification Plates in the General Road Fund of the County; Providing for Exemption of Publicly-owned Special Mobile Equipment from Said Fees; Defining Special Mobile Equipment; Providing for Expiration Date of Identification Plates	407
184	66		An Act to Amend Section 91-1723 of the Revised Codes of Montana, 1947, Authorizing Receivers, Assignees, Trustees, Guardians, Committees, Executors, Administrators, or Curators, or Other Persons Holding Positions of Judicial Trust to Include as a Part of the Lawful Expense of Executing Their Trust, the Cost of Procuring Bonds, and to Allow Parties Litigant to Recover Such Expenditures as Costs; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date	409
185	186		An Act to Repeal Section 26-209 of the Revised Codes of Montana, 1947, Relating to Additional Nonresident License; Section 26-323 of the Revised Codes of Montana, 1947, Relating to Costs; Sections 26-326, 26-327, 26-328 and Section 26-329 of the Revised Codes of Montana, 1947, Relating to Alien Gun License; Section 26-604 of the Revised Codes of Montana, 1947, Relating to Disposal of Fish Increasing in Number in Lake County; Section 26-1003 of the Revised Codes of Montana, 1947, Relating to Transportation of Persons or Property; Section 26-1004 of the Revised Codes of Montana, 1947, Relating to Duties of Grand Juries, District Judges and Sheriffs; Section 26-1005 of the Revised Codes of Montana, 1947, Relating to Duties of Court and Prosecuting Officers; Section 26-1203 of the Revised Codes of Montana, 1947, Relating to Hours of Fishing in Georgetown Lake; and Section 26-1204 of the Revised Codes of Montana, 1947, Relating to Penalties	410
186	155		An Act to Amend Section 75-201 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 168 of the Session Laws of the State of Montana of 1951 and by Section 1 of Chapter 226 of the Session Laws of the State of Montana of 1953; Section 75-202 of the Revised Codes of Montana, 1947, as Amended by Section 2 of Chapter 226 of the Session Laws of the State of Montana of 1953; Section 75-203 of the Revised Codes of Montana, 1947, as Amended by Section 2 of Chapter 168 of the Session Laws of the State of Montana of 1951 and Section 3 of Chapter 226 of the Session Laws of the State of Montana of 1953; Section 75-204 of the Revised Codes of Montana, 1947, as Amended by Section 3 of Chapter 168 of the Session Laws of the State of Montana of 1951 and by Section 4 of Chapter 226 of the Session Laws of Montana of 1953; Section 75-205 of the Revised Codes of Montana, 1947, as Amended by Section 4 of	

HeinOnline -- 1955 xxxv 1955

Chap.	Senate Bill	House Bill	Title	Page
			Chapter 168 of the Session Laws of the State of Montana of 1951 and by Section 5 of Chapter 226 of the Session Laws of the State of Montana of 1953; and Section 75-206 of the Revised Codes of Montana, 1947, as Amended by Section 5 of Chapter 168 of the Session Laws of the State of Montana of 1951, and Section 6 of Chapter 226 of the Session Laws of the State of Montana of 1953, All Relative to the Erection of Residence Halls and Other Facilities at Institutions of Higher Education Controlled by the State Board of Education Without Obligating the State of Montana and Without Using State Funds; Repealing Conflicting Acts and Providing an Effective Date	410
187	189		An Act to Amend Section 14-121 of the Revised Codes of Montana, 1947, Relating to Reserves of Credit Unions, to Provide That When the Regular Reserve Established Thereunder Shall Equal Ten (10) Per Cent of the Total Shareholdings, No Further Transfer of Net Earnings to Such Regular Reserve Shall Be Required Except Such Amounts Less Than Twenty (20) Per Cent of Net Earnings as May Be Needed to Maintain Such Ratio; and Providing for the Establishment of Special Reserves When Required by the State Examiner.	415
188	111		An Act to Amend Section 28-109 of the Revised Codes of Montana, 1947, Relating to the Duty of Owner of Classified Forest Land, and Providing for an Effective Date	416
189	182		An Act Providing for the Prosecution of Careless, Reckless and Negligent Hunters, and for Imposing of Penalties Upon Conviction Thereof.	417
190	73		An Act to Amend Chapter 2 of Title 8, and Particularly Sections 8-201, 8-202, 8-204, 8-205, 8-206, and 8-207 of the Revised Codes of Montana of 1947, All Relating to Pipe Line Carriers of Oil; by Including and Making Provision for Transportation of Petroleum Products; and Repealing All Acts and Parts of Acts in Conflict Herewith	417
191	55		An Act to Amend Section 75-3407, as Amended by Chapter 189 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana of 1951, Relating to the Schedule for Paying for Individual and Bus Transportation, Rent or Board in Lieu of Bus Transportation Provided by the School District; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for the Act to Take Full Force and Effect From and After the Date of Its Passage and Approval	422
192	91		An Act to Amend 15-1701 (6651) of the Revised Codes of Montana, 1947, Relating to Requirements to Do Business in the State of Montana by Foreign Corporations or Joint Stock Companies Except Foreign Insurance Companies and Corporations Otherwise Provided for	426
193	95		An Act to Amend Section 26-301, Revised Codes of Montana, 1947, as Amended by Chapter 223, Session Laws of 1953, Relating to Restrictions of the Manner of Taking and Possessing Fish and Game, and Powers of the Commission Relating Thereto, and Providing for the Commission to Regulate the Use of Firearms for the Taking of Upland Game Birds, and Prohibiting the Use of Aircraft in Killing, Taking, Shooting, Concentrating, Pursuing, Driving, Rallying or Stirring Up Any Game or Migratory Birds, Game or Fur-Bearing Animals; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed	429

HeinOnline -- 1955 xxxvi 1955

Chap.	Senate Bill	House Bill	Title	Page
194	171		An Act to Amend Sections 94-7821, 94-7822, and 94-7824 of the Revised Codes of Montana, 1947, by Substituting the Words "Board of Pardons" for "Board of Prison Commissioners" and Referring to the Provisions of the Probation, Parole and Executive Clemency Act; Providing for Investigation by Probation and Parole Officers Prior to Sentencing an Individual Convicted of a Crime, If Deemed Necessary by the Court; Providing the Sentences Courts Are Authorized by Law to Impose; Requiring Courts to Transmit to Board of Pardons Certain Statistical Data; Repealing Sections 94-7823, 94-7825, 94-7826, 94-7827, 94-7828, 94-7829 and 94-7830 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; Providing a Saving Clause; and Providing an effective Date Clause.....	432
195		84	An Act to Add to Chapter 25, Title 93, Revised Codes of Montana, 1947, by Inserting Section 93-2516, Making the Provisions of Said Chapter 25, Title 93, Applicable to Certain Lands Heretofore Sold and Conveyed by the State of Montana.	435
196		85	An Act to Amend Section 93-2502, Revised Codes of Montana, 1947, Providing When Actions for or in Respect to Real Property May Be Brought by a Grantee from the State of Montana.....	436
197		135	An Act to Amend Section 4501 of Title 84 of the Revised Codes of Montana, 1947, Relating to Payment of License Fees Under Protest and Action to Recover and Repealing All Acts or Parts of Acts in Conflict Herewith.....	436
198	128		An Act Providing for the Classification of Lands, and the Appraisal of City and Town Lots and Rural and Urban Improvements in the State of Montana for Assessment and Taxation Purposes; Defining the Duties of the Boards of County Commissioners, County Assessors, and State Board of Equalization in Connection Therewith. Providing for a Tax Levy; and Repealing Sections 84-430 to 84-437 Inclusive, Revised Codes of Montana of 1947, and All Acts and Parts of Acts in Conflict Herewith.	437
199	192		An Act to Amend Section 53-116, Revised Codes of Montana, 1947, Relating to Issuance of Receipt and Assignment of Number Plates; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.....	440
200	193		An Act to Amend Section 53-107, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 115, Laws of 1953, Relating to Certificates of Registration and Ownership—Contents. Issuance, Entry, Assignment of Numbers—Registration Card to Be Signed, Carried and Exhibited on Demand; by Providing That the Certificate of Registration Shall Be Made in Quintuplet and Providing That Two (2) Copies of Such Application Shall Be Marked "Owner's Certificate of Registration and Tax Receipt," One (1) of Which Shall Be Marked "File Copy"; by Providing That the Registrar May Return Certificate of Registration to County Treasurer for Correction of Errors; by Exempting Owners of Passenger Cars from Carrying or Exhibiting Certificate of Registration and Tax Receipt; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.	441
201		46	An Act Providing for Educational Opportunities for the Children of Members of the Armed Forces of the United States Killed While in the	

HeinOnline -- 1955 xxxvii 1955

Chap.	Senate Bill	House Bill	Title	Page
			Armed Services of the United States or Dying as the Result of Disabilities or Diseases Incurred While in Said Service, Since September 16, 1940, or Hereafter During the Present National Emergency, Namely, the Korean Conflict, and Providing an Appropriation Therefor; Repealing Section 5, Chapter 27 of the Session Laws of the Thirty-third Legislative Assembly.	444
202		77	An Act to Amend Section 25-231, Revised Codes of Montana, 1947, as Amended by Chapter 90 of the Session Laws of the Thirty-third Legislative Assembly of Montana, 1953, Relating to the Fees Which Must Be Charged and Collected by the County Clerks, and Providing the Fee to Be Charged Where Recording Is Done by Photographic or Similar Process.	445
203		125	An Act to Amend Section 75-3913 of the Revised Codes of Montana, 1947, Relating to Conduct of School District Bond Elections and Providing for Voting by Absent Electors at Such Elections; and Repealing All Acts and Parts of Acts in Conflict Herewith.	448
204		136	An Act to Amend Section 4502 of Title 84 of the Revised Codes of Montana, 1947, Relating to Payment of Taxes Under Protest and Action to Recover and Repealing All Acts or Parts of Acts in Conflict Herewith.	449
205		156	An Act Relating to Employees of the Supreme Court and of the State Law Library, Amending Sections 82-1801 of the Revised Codes of Montana of 1947, and Section 9 of Chapter 153 of the Laws of 1949, and Repealing Section 82-1803 of the Revised Codes of 1947, as Amended by Section 1 of Chapter 128 of the Session Laws of 1949; Section 82-508 of the Revised Codes of the State of Montana, of 1947, as Amended by Section 2 of Chapter 128 of the Laws of 1949; and Sections 3 and 4 of Chapter 128 of the Session Laws of 1949.	450
206		163	An Act to Provide for Special Education Classes in Our Public Schools for the Mentally and Physically Handicapped Children, Defining Handicapped Children, Providing for Courses of Instruction, Utilization of Specialists, Providing for Local Boards of Trustees to Furnish Special Education and Transportation for the Handicapped, and to Exclude Certain Handicapped Pupils, Providing for Reimbursements for Special Education Classes, Providing for the Exclusion of Certain Mentally Handicapped, Making Provision for Parents to Petition for Special Education. Defining the Duties of the State Superintendent, the Qualifications of Special Teachers, Services of the State Board of Health and the State Board of Education, Providing for a Supervisor of Special Education and Defining His Duties, Providing for the Coordination of All Agencies Working in the Field of Special Education for the Handicapped Child, and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Effective Date of This Act.	451
207		170	An Act to Amend Sections 23-1202 and 23-903, Revised Codes of Montana, 1947, Section 23-1202 Providing for the Time of Opening and Closing of Polls; Providing for a Different Time for Precincts Having Less Than One Hundred (100) Registered Voters; Section 23-903 Providing for Primary Election Notices; Providing for Form of Notice, by Whom Given, and Place of Posting; and Providing for Time of Opening and Closing of Polls in Primary Elections.	456
208		Sub. 199	An Act to Amend Section 61-130, Revised Codes of Montana, 1947, as Amended by Chap-	

HeinOnline -- 1955 xxxviii 1955

Chap.	Senate Bill	House Bill	Title	Page
			ter 181 of the Session Laws of 1949, Relating to the Consent of Children's Parents in Adoption Proceedings.	458
209		216	An Act to Amend Section 19-107, Revised Codes of Montana, 1947, Designating Legal Holidays in the State of Montana; Designating That the Eleventh Day of November Be Designated as Veterans' Day Instead of Armistice Day; and Providing That Any Bank in the State of Montana Which Refrains From Transacting Business on Saturday, and Remains Closed on Saturday Pursuant to Permissive Authority Under the Laws of the State of Montana, Shall Not Close on Any Legal Holiday Other Than Every Sunday, the First Day of January (New Year's Day), the Thirtieth Day of May (Memorial Day), the Fourth Day of July (Independence Day), the First Monday of September (Labor Day), the Twenty-fifth Day of December (Christmas Day), and Every Day Upon Which a General Election Is Held Throughout the State, and Every Day Appointed by the President of the United States of America or by the Governor of the State of Montana for a Public Fast, Thanksgiving or Holiday.	460
210		242	An Act to Amend Section 84-1813, Revised Codes of Montana, 1947, Relating to Tax to Be Collected on Motor Fuel and Fixing the Amount Thereof, When; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.	462
211		300	An Act to Amend Chapter 101 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana, 1951, Enabling Incorporated Cities and Towns to Acquire, Operate and Lease Motor Busses and Bus Lines for the Transportation of Passengers; Providing for the Borrowing of Money or Issuing Bonds for the Purchase of the Same and Providing for a Vote of the Taxpayers Thereon, by Adding Thereto Provisions Enabling Incorporated Cities and Towns to Also Contract With Independent Carriers for Such Transportation Service; and Authorizing the Council of Such Cities and Towns to Levy a Tax on All Taxable Property Within the Limits of Such City or Town to Defray the Cost Thereof; and Providing for the Submission of the Question of Such Levy to the Legal Voters of Such City or Town Who Are Taxpaying Freeholders Therein Whenever It Shall Be Necessary to Raise Money by Taxation for Such Purpose in Excess of the Levy Now Allowed by Law; and Repealing All Acts and Parts of Acts in Conflict Herewith.	463
212		320	An Act to Amend Section 84-1818, Revised Codes of Montana, 1947, as Amended by Chapter 221 of the 1953 Session Laws, Relating to Refund of Gasoline Tax and Providing That Refunds May Be Obtained When the Original Invoice Has Been Either Lost or Destroyed and Containing a Repealing Clause.	465
213		341	An Act Relating to and Providing for the Leasing of State Lands to Natural Gas Public Utilities for Use as Underground Gas Storage Reservoirs and Other Property for Use in Connection Therewith and the Sale of Gas Belonging to the State in Depleted Gas Reservoirs.	470
214		347	An Act to Amend Sections 94-3601, 94-3602, Revised Codes of Montana, 1947, by Defining Obscene Literature and So-Called Comic Books; Tie-in Sales; by Providing Penalties for the Sale, Loan, or Distribution of Such Matter; by Defining the Offense of Indecent Conduct and Providing the Penalties Therefor; by Providing a Separability Clause and by Repealing All Acts or Parts of Acts in Conflict Herewith.	472

HeinOnline -- 1955 xxxix 1955

Chap.	Senate Bill	House Bill	Title	Page
215	67		An Act to Amend Sections 69-3002, 69-3003, 69-3004, 69-3006, 69-3007, 69-3009, 69-3010, 69-3012, 69-3015, 69-3016 and 69-3018 of the Revised Codes of Montana of 1947, All Relating to the Montana Hospital Survey and Construction Act and Providing for an Inventory of Existing Hospitals and Medical Facilities, for a Survey of the Need for Additional Hospital and Medical Facilities Construction Program, Afford Hospitals and Medical Facilities Adequate to Serve All People of the State; and Establishing Methods of Administration and Control, Providing for Compliance With the Requirements of the Federal Hospital and Medical Facilities Survey and Construction Act as Amended and Regulations Thereunder, Authorizing the Acceptance and Expenditure of Federal Funds in Accordance With Such Requirements and Providing for Joint Action by Two or More Counties; Providing for the Severability of This Act and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval	474
216	105		An Act to Amend Section 28-103, of the Revised Codes of Montana, 1947, Relating to Definitions.	481
217	108		An Act to Amend Section 81-1407 of the Revised Codes of Montana, 1947, Relating to Issuing Permits to Remove Timber for Fuel, and Providing for a Repealing Clause and Effective Date	482
218	109		An Act to Amend Section 81-1411 of the Revised Codes of Montana, 1947, Relating to the Duties of State Forester, and Providing for an Effective Date	483
219	112		An Act to Amend Section 81-1408 of the Revised Codes of Montana, 1947, Relating to the Duties of State Forester Concerning Timber Sales, and Providing for a Repealing Clause and Effective Date	484
220	113		An Act to Amend Section 81-1415 of the Revised Codes of Montana, 1947, Relating to Duties of Fire Wardens and Forester, and Providing for an Effective Date	485
221	114		An Act to Amend Section 94-3334 of the Revised Codes of Montana, 1947, Relating to Injury to Trees on Public Lands	485
222	115		An Act to Amend Section 28-119 of the Revised Codes of Montana, 1947, Relating to Sawdust Piles—Restriction, and Providing for an Effective Date	486
223	146		An Act to Amend Sections 26-901, 26-902, 26-904, 26-905 and 26-906 of the Revised Codes of Montana, 1947, as Amended by Chapter 173, Laws of 1949, and as Amended by Chapter 184 of the Session Laws of the Thirty-second Session of 1951, Relating to the Licensing of Outfitters; Penalty for Acting as an Outfitter Without a License; Defining Outfitters; Requiring All Outfitters to Keep Records and Submit an Annual Report to the Director of State Fish and Game Department; Providing That Outfitters Are Equally Responsible With Others for Violation of Laws; Providing for the Report of Violation; Providing a Date When This Act Shall Become Effective; and Repealing All Acts and Parts of Acts in Conflict Herewith	487
224	S. Sub. 165		An Act to Amend Section 60-144, Revised Codes of Montana, 1947, Relating to the Oil and Gas Conservation Commission; Providing That the Owners of Stratigraphic Test Wells Shall Within Six (6) Months from Date of Cessation of Drilling of Such Wells Make	

HeinOnline -- 1955 xl 1955

Chap.	Senate Bill	House Bill	Title	Page
			Available to the Bureau of Mines and Geology at the Well Complete Sets of Sample Cuttings and Representative Cores or Chips and Well Logs, for Impounding by Said Bureau; Specifying Certain Information to Be Contained in Said Well Logs; Providing Further That the Commission May Not Request Such Cores, Cuttings, Chips and Logs from Stratigraphic Test Wells Until a Period of Three (3) Years from the Time of their Impounding With the Bureau of Mines and Geology of the State of Montana; Providing That Said Bureau Shall Not Give Any Person Access to or Information About Such Impounded Material; Providing That Owners of Stratigraphic Test Wells Shall Provide the Commission With a Bond Prior to Drilling, and Abandoned Stratigraphic Test Wells Shall Be Plugged; and Repealing All Acts and Parts of Acts in Conflict Herewith.	490
225	212		An Act to Amend Section 91-4911 of the Revised Codes of Montana of 1947, Relating to Mortgaging or Leasing of Real Estate by Guardians, to Specifically Authorize and Include Oil and Gas Leases Therein and Easement for Right of Way	492
226	H. Sub. for S. B. 58		An Act to Amend Section 3 of Chapter 183 of the Session Laws of the Thirty-third Legislative Assembly of Montana, 1953, Relating to the Creation of Mosquito Control Districts, Providing for the Form of Petition Therefor, by Whom Said Petition Shall Be Signed, the Filing Thereof With the Board of County Commissioners and Providing for the Effective Date of This Act	493
227	84		An Act to Name the New State Laboratory Building Located at the Corner of Lockey and Roberts Streets in the City of Helena, Montana, the "Montana State Laboratory Building"; and Directing the Empowering the State Board of Examiners to Designate and Inscribe the Name "Montana State Laboratory Building" Thereon.	494
228	103		An Act to Amend Section 75-1632, Revised Codes of Montana, 1947, as Amended in Chapter 207, Subsection 2, Session Laws of 1951 and by Chapter 233, Session Laws of 1953, Relating to Duties of Trustees, to Provide for Auditing of Extracurricular Accounts by the State Bank Examiner or a qualified Accountant, to Provide for Publication of Filing of Audit, and to Provide for Payment of Audit and Publication from Extracurricular Funds or School District Funds as the Board of Trustees May Decide; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing for the Act to Take Full Force and Effect from and After the date of its Passage and Approval.	494
229	104		An Act to Amend Section 7 of Chapter 154 of the Session Laws of the Thirty-third Legislative Assembly of 1953, Defining the word "District" to mean Consisting of Forty (40) Acres.	499
230	110		An Act to Amend Section 28-402 of the Revised Codes of Montana, 1947, as Amended by Chapter 83, Laws of 1949, and as Amended by Chapter 18, 1953, Relating to the Disposal of Slashings.	499
231	130		An Act Relating to Widows' Election and Amending Section 22-107 of the Revised Codes of Montana of 1947	501
232	151		An Act to Amend Section 75-1805 of the Revised Codes of Montana, 1947, Relating to the Creation and Change in Territory in School Districts, and Providing for Qualifications of	

HeinOnline -- 1955 xli 1955

Chap.	Senate Bill	House Bill	Title	Page
			Petitioners for Such Change of Boundaries, and Providing for the Limitation for the Remaining Taxable Valuation of the District From Which the Territory Is Taken Is Composed of Fifty Thousand (50,000) Acres of Nontaxable Indian Land; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith, and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval	502
233	156		An Act to Amend Section 75-4116 of the Revised Codes of Montana of 1947, Relating to County Bond Issue for County and District High Schools; Providing for the Proceeds of Such Bonds to Be Divided Among the County High Schools and Accredited District High Schools, or Schools of the County Requiring the Question to Be Submitted to the Electors of the County; and Providing for a specified Amount to Be Allotted County High School and That Amount to Be Apportioned Accredited District High School or Schools; Providing for the Basis of Computation; Provided Money Allotted to District High Schools or Common School Districts, Exclusive of County High Schools, Shall Not Be Expended Until the Purpose of Expenditure Has Been Submitted to the Qualified Voters; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing This Act to Be in Full Force and Effect From and After Its Passage and Approval	506
234	166		An Act to Amend Section 60-145, Revised Codes of Montana, 1947, Relating to the Oil and Gas Conservation Commission, Privilege and License Tax, Quarterly Statements, Penalties—Drilling Permit Fees—Oil and Gas Conservation Fund; Providing Payments of Assessments Due the Oil and Gas Conservation Commission from Production of Natural Gas Shall Be Made by the Operators, Producers, or Purchasers Thereof, as Directed by the Commission; and Repealing All Acts and Parts of Acts in Conflict Herewith	507
235	S. Sub. 191		An Act Defining Geophysical Exploration; Persons, Firms or Corporations Engaged in Geophysical Exploration Deemed Engaged in Doing Business in Montana; Necessity for Filing Notice of Intention to Engage in Geophysical Exploration With County Clerk and Recorder; Necessity for Filing Bond With Secretary of State; Issuance of Geophysical Exploration Permit by County Clerk and Recorder and Contents of Said Permit; Cost of Said Permit and Disposition of Revenues Therefrom; Necessity of Having Said Permit in Possession During Periods of Exploration; Furnishing of Information on Geophysical Exploration Performed; Duty of County Attorneys to Prosecute Violation Hereof; Violation Deemed Misdemeanor, and Repealing All Acts and Parts of Acts in Conflict Herewith	510
236	203		An Act to Amend Section 75-4602, Revised Codes of Montana, 1947, as Amended by Chapter 237, Laws of the Thirty-third Legislative Session of the State of Montana, Relating to the Division of Counties Into and the Establishment of One (1) or More High School Districts Within Counties and Providing for the Manner in Which Said Districts May Be Established; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date	514
237		13	An Act to Amend Section 1 of Chapter 182 of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, Relating to the Salaries of the Governor, Justices of the Supreme Court, Attorney General, Secretary of State, Superintendent of Public Instruction,	

HeinOnline -- 1955 xlii 1955

Chap.	Senate Bill	House Bill	Title	Page
			State Treasurer, State Auditor, Clerk of the Supreme Court, and Members of the Board of Railroad Commissioners, and Providing for an Increase in Such Salaries; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing When This Act Shall Take Effect.....	517
238		41	An Act to Amend Section 87-103 of the Revised Codes of Montana, 1947, as Amended by Chapter 191, Laws of Montana, 1953, and Sections 87-105 and 87-149 of the Revised Codes of Montana, 1947, Which Sections Are a Part of the Unemployment Compensation Law, by Increasing the Weekly Benefit Amounts in the Benefit Schedule; by Allowing a Surviving Spouse or Surviving Minor Children to Receive Payment of Benefits Due and Payable to a Deceased Claimant; Reducing the Waiting Period to One (1) Week; Preventing Interruption of Benefit Payments to a Claimant During a Period of Continuous Unemployment by Reason of Termination of Benefit Year; Amending the Definition of Total Unemployment; Excluding Earned Welfare Benefits from the Definition of Wages; Eliminating Repetition; Providing a Saving Clause; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.....	518
239		44	An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Article XII of the Constitution of the State of Montana, Relating to Revenue and Taxation, by Adding Thereto a New Section to Be Known and Designated as Section 1 (b) of Article XII, Providing That No Monies Paid Into the State Treasury Which Are Derived from Fees, Excises or License Taxes Relating to Registration, Operation or Use of Vehicles on the Public Highways or to Fuels Used for the Propulsion of Such Vehicles, Except Fees and Charges Paid to the Board of Railroad Commissioners of the State of Montana and the Public Service Commission of Montana or Its Successor or Successors by Motor Carriers Pursuant to Law, Shall Be Expended for Any Purpose Other Than That Provided for Herein.	524
240		52	An Act to Guarantee the Full and Equal Enjoyment of All Places of Public Accommodation and Amusement, and Repealing All Acts and Parts of Acts in Conflict Herewith.....	525
241		82	An Act to Amend Section 3 of Chapter 199, Laws of the Thirty-first Legislative Assembly, 1949, as Amended by Chapter 244, Laws of the Thirty-third Legislative Assembly, 1953, Providing for the Equalization of Financial Distribution for All Elementary and Secondary Schools in Order to Maintain a Uniform System of Free Public Schools; Providing Schedules for Determining Support of Foundation Financial Program for Public Elementary and Secondary Schools, and for Other Purposes.....	526
242		101	An Act to Amend Section 75-1522, Revised Codes of Montana, 1947, as Amended by Chapter 109, Laws of 1951, Relating to Abandonment of School Districts, to Provide for the Disposal of School Houses in Abandoned Districts.	529
243		106	An Act to Amend Section 31-201, Revised Codes of Montana, 1947, by Defining the Terms "Retired Patrolman," "Actuarial Equivalent," and "Beneficiary"; to Amend Section 31-203, Revised Codes of Montana, 1947, Relating to the Montana Highway Patrolmen's Retirement Board; to Amend Section 31-206, Revised Codes of Montana, 1947, Relating to Rules and Regulations—Actuarial Data Providing That the Board May Establish Such Rules and Regula-	

HeinOnline -- 1955 xliii 1955

Chap.	Senate Bill	House Bill	Title	Page
			tions for Proper Administration, Operation and Enforcement of This Act; to Amend Section 31-208, Revised Codes of Montana, 1947, Relating to Service Allowance; to Amend Section 31-209, Revised Codes of Montana, 1947, Relating to Payments by Contributors; to Amend Section 31-210, Revised Codes of Montana, 1947, Relating to Contributions by the State of Montana; to Amend Section 31-212, Revised Codes of Montana, 1947, Relating to Voluntary Retirement; to Amend Section 31-215, Revised Codes of Montana, 1947, Relating to Involuntary Retirement Allowance; to Amend Section 31-216, Revised Codes of Montana, 1947, Relating to Compulsory Retirement Allowance; to Amend Section 31-217, Revised Codes of Montana, 1947, Relating to Refunds in Case of Resignation or Discharge; to Amend Section 31-218, Revised Codes of Montana, 1947, Relating to Payments Upon Death; to Amend Section 31-219, Revised Codes of Montana, 1947, Relating to Payments in Case of Death from Natural Causes; to Amend Section 31-223, Revised Codes of Montana, 1947, Relating to Service in the Armed Forces of the United States; and to Amend Chapter 2 of the Revised Codes of Montana, 1947, and Any Amendments Thereto, Relating to Highway Patrolmen's Retirement System, by Adding New Sections Thereto Providing for Optional Retirement Allowances and Providing That the Constitutional Provisions of this Act Are Severable; Providing That This Act Shall Be in Full Force and Effect From and After Its Passage and Approval; and Repealing All Acts and Parts of Acts in Conflict Herewith.....	531
244		121	An Act to Amend Section 53-108, Revised Codes of Montana, 1947, Relating to Renewal of Registration of Motor Vehicles; Providing for the Use of a Temporary Windshield Sticker on Vehicles Pending Transfer; Providing for the Issuance of Such Identification Marker by the Registrar of Motor Vehicles Through County Treasurers.....	538
245		S. Sub. for H.B. 122	An Act to Amend Section 53-106, Revised Codes of Montana, 1947, as Amended by Chapter 111, Laws of Montana, 1951, as Amended by Chapter 29, Laws of Montana, 1953, and Section 53-118, Revised Codes of Montana, 1947, Relating to Number Plates for Motor Vehicles, Dealers' Licenses and Applications Therefor; Providing for a Number Plate for Motor Cars Six Inches Wide and Twelve Inches in Length; Providing for Distinctive Number Plates for New Car Dealers, for Used Car Dealers, for Trailer and Semi-Trailer Dealers; Providing for the Separate Licensing of New Car Dealers, Used Car Dealers and Trailer and Semi-Trailer Dealers; Providing for the Uses of Dealers' Licenses; Providing That If Part of This Act Be Held Unconstitutional It Shall Not Affect Remaining Parts of Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.....	540
246		144	An Act Requiring Employers Making Payment of Wages to Deduct and Withhold a Tax Upon Such Wages; Fixing the Rates of Such Withholding and Providing the Method of Determining the Exemption Status of Employees for the Purpose of Computing the Amounts to Be Withheld; Providing That the Amounts Required to Be Withheld Shall Be Considered a Tax and the Employer Shall Be Considered a Taxpayer; Providing for the Filing of Quarterly and Annual Returns and for Quarterly Payment of the Amounts Withheld by Employers, and for Furnishing Written Statements to Employees With Respect to Wages Paid and Amounts Withheld Therefrom; Providing That Amounts Withheld Hereunder Shall Be Held	

HeinOnline -- 1955 xliv 1955

		in Trust for the State of Montana, and Providing for Enforcement of Payment of Such Amounts; Providing for the Filing of Income Tax Returns by Employees in Lieu of the Returns Provided for in Section 84-4914, Revised Codes of Montana, 1947, and for Collection of Deficiencies and Refunding Excess Payments Shown by Such Returns; Providing for Crediting the Tax Deducted and Withheld as a Payment Upon the Income Tax of Employees and for Refunding Excess Withholding; Establishing an Income Tax Withholding Fund, and Providing for Payment of Refunds Therefrom and for Crediting Unexpended Balances Thereof to the State General Fund and the State Public School Equalization Fund; Limiting the Time for Refunding Excess Withholding and the Time for Payment of Warrants Drawn on the Income Tax Withholding Fund; Providing for Filing Claims for Unpaid Warrants and Limiting the Time for Filing Such Claims; Prescribing the Duties and Powers of the State Board of Equalization; Providing Penalties for Violations Hereof; and Providing That All Remedies of the State of Montana With Respect to Income Taxes Shall Be Applicable to the Tax Herein Provided for; and Repealing All Acts and Parts of Acts in Conflict Herewith.	544
247	155	An Act to Amend Section 93-303 of the Revised Codes of the State of Montana of 1947, as Amended by Chapter 84 of the Laws of 1951, Relating to the Salaries of District Judges and Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing for an effective date	553
248	S. Sub. for H. B. 177	An Act to Authorize the State Board of Education, on Behalf of Montana State College, to Use Not to Exceed Ten Per Centum (10%) of the Amount Received Under the Provisions of the First Morrill Act Passed by the United States Congress July 2, 1862, from the Sale or Other Permanent Disposition of Lands Granted to the State for Endowment of Montana State College for the Purchase of Needed Lands for Sites or Experimental Farms as Provided in Section Five (5) of the Act of July 2, 1862, as Amended.	554
249	198	An Act to Provide for the Assessment and Taxation of Flight Property of Scheduled Airline Companies; Prescribing the Powers and Duties of the State Board of Equalization in Connection Therewith; Defining Certain Terms; and Imposing Penalties for Violation of the Act	555
250	201	An Act to Amend Section 32-1123, Revised Codes of Montana, 1947, as Amended by Chapter 73 of the Session Laws of Montana, 1953, Relating to Uniform Standards Governing the Maximum Dimensions, Weights, and Speeds of Motor Vehicles Operating Over the Highways of the State of Montana, and Repealing All Acts or Parts of Acts in Conflict Therewith	559
251	203	An Act to Provide for Payment of Gross Vehicle Weight Taxes on Power Units of Three Unit Combination of Vehicles Including the Trailers to Be Drawn by Such Vehicles; Providing for the Marking of Motor Vehicles and Trailers so Registered; Providing That Such Vehicles Shall Comply With All Other License and Fee Statutes; Providing That This Act Shall Not Allow Weights in Excess of Authorized Axle Weights; and Repealing All Acts and Parts of Acts in Conflict Herewith	563
252	Sub. 204	An Act to Amend Section 71-1003 of the Revised Codes of Montana of 1947, as Amended by Section 1, Chapter 192 of the Session Laws of the Thirty-first Legislative Assembly of Montana of 1949, and as Amended by Chapter 42 of the Session Laws of the Thirty-third	

Chap.	Senate Bill	House Bill	Title	Page
			Legislative Assembly of Montana of 1953; Section 71-1004 of the Revised Codes of Montana of 1947, as Amended by Section 2, Chapter 192 of the Session Laws of the Thirty-first Legislative Assembly of Montana of 1949, and as Amended by Section 1, Chapter 204 of the Session Laws of the Thirty-third Legislative Assembly of Montana of 1953; and Section 71-1008 of the Revised Codes of Montana of 1947, as Amended by Section 3, Chapter 192 of the Session Laws of the Thirty-first Legislative Assembly of Montana of 1949, and as Amended by Section 2, Chapter 204 of the Session Laws of the Thirty-third Legislative Assembly of Montana of 1953, Relating to Eligibility Requirements for Aid to Persons Having Silicosis, as Herein Defined; Providing for Payment of Benefits Hereunder, Amount of Such Payments, Authorizing Deductions Therefrom and Making This Act Conform With Acts of the Federal Government; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Effective Date of This Act.....	564
253		230	An Act to Amend Sections 92-701, 92-702, 92-703, 92-704, 92-706 and 92-709 of the Revised Codes of Montana of 1947, as Amended by Chapter 38 of the Laws of Montana of 1953, and Section 92-708 of the Revised Codes of Montana of 1947, Relating to Increases in Workmen's Compensation in Cases of Temporary Total, Permanent Total and Partial Disabilities, Injury Causing Death, Specific Injuries, Medical and Hospital Services and Other Treatment, and Relating to Compensation Running Consecutively, Major and Minor Dependents Not Residing in United States and Manner of Payment, and Repealing All Acts and Parts of Acts in Conflict Herewith.....	567
254		241	An Act to Amend Section 32-1127, Revised Codes of Montana, 1947, Relating to Permits for Excess Size and Weight, by Providing for Discretion of Issuer Granting Special Permits; by Providing for Issuer to Limit or Prescribe Conditions of Operation of Vehicle or Vehicles on the Public Highways; by Providing for Special Permit Fees; by Providing That the Fees Shall Be Remitted to the State Treasurer for Deposit in the State Highway General Fund; by Providing for Penalties for Violation of This Act; by Providing for Display of Permits; by Providing That the Permits May Be Confiscated for Violations of This Act; Providing for a Hearing Thereon Before the State Highway Commission Upon Application; and Repealing All Acts and Parts of Acts in Conflict Herewith.....	578
255		257	An Act to Amend Section 10 of Chapter 39 of the Laws of the Twenty-ninth Legislative Assembly of the State of Montana, 1945, as Amended by Chapter 167, of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, Relating to the License Tax Paid by Dealers to the State Board of Equalization, or Refunds on Gasoline and Fixing the Amount Thereof; Providing for an Effective Date; and Repealing All Acts and Parts of Acts in Conflict Herewith.....	581
256		S. Sub. 293	An Act to Amend Section 53-114, Revised Codes of Montana, 1947, and Section 84-406, Revised Codes of Montana, 1947; Providing That Motor Vehicles Held for Sale in the Stock of Any Duly Licensed Motor Vehicle Dealer or Used Motor Vehicle Dealer Shall Be Assessed as Merchandise as of the First Monday in March of Each Year in the Same Manner as Other Merchandise; Providing That Wholly New and Unused Motor Vehicles Acquired by Original Contract After the First Day of January Shall Be Subject to the Motor Vehicle	

HeinOnline -- 1955 xlvi 1955

Chap.	Senate Bill	House Bill	Title	Page
			Sale Tax Provided in Section 53-617, Revised Codes of Montana, 1947, Whether or Not Such Vehicles Were Within the State of Montana on the First Day of January; and Repealing All Acts and Parts of Acts in Conflict Herewith.....	582
257		313	An Act to Amend Sections 46-2303, 46-2305, and 46-2320, Revised Codes of Montana, 1947, Relating Respectively to Membership of Commission; Compensation of the Secretary; Manner by Which Temporary Grazing Privileges May Be Issued Within a State District and Amending Section 46-2326, Revised Codes of Montana, 1947, Relating to Livestock Running at Large or in Herd Without Permit Within Cooperative State Grazing Districts; Defining a Legal Pound in Such Cases; Making the Rescue of Livestock From Such Pound an Offense; Providing a Penalty Therefor; Providing for Injunctive Relief and Providing a Savings Clause and a Repealing Clause.....	588
258		326	An Act to Amend Section 1, Chapter 219, Laws of 1951, as Amended by Section 1, Chapter 139, Laws of 1953, Relating to a Fee on Trucks, Trailers, Semitrailers, House Trailers and Busses Operating Over and Upon the Highways of the State of Montana; Providing for Certain Exemptions and Providing for the Rate of Such Tax by Increasing the Rate of Tax on Trucks, Tractors and Semitrailers; by Deleting the Class A Fee on Trucks, Trailers and Semitrailers Which Travel More Than Twenty-four Thousand (24,000) Miles on the Highways of the State of Montana Within the Calendar Year; Providing for an Additional Fee of Fifty Dollars ($50.00) for each Two Thousand (2,000) Pounds, or Fraction Thereof, on Trucks, Trailers and Semitrailers Hauling in Excess of Forty-two Thousand (42,000) Pounds; Providing for Quarterly License on Any Vehicle Exceeding Twenty-four Thousand (24,000) Pounds and Providing for a Penalty on Vehicles Which Are in Violation of the Quarterly License Provision; Providing for the Effective Date of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.....	596
259		342	An Act Relating to and Providing for the Acquisition by a Natural Gas Public Utility Through the Exercise of the Right of Eminent Domain of Sands, Strata and Formations in Land for Use as Underground Gas Storage Reservoirs and Other Property for Use in Connection Therewith, and to Amend Sections 93-9902, 93-9903, 93-9908, and 93-9911 of the Revised Codes of Montana of 1947, as Amended by the Session Laws of Montana, 1953, Chapter 245, Sections 1, 2, 3 and 4, Respectively, and to Amend Section 93-9909 of the Revised Codes of Montana of 1947, All Relating to the Right of Eminent Domain, and Repealing All Acts and Parts of Acts in Conflict Herewith.....	600
260		Sub. 354	An Act to Amend Sections 84-4905, 84-4906, 84-4907, as Amended, 84-4908, as Amended, 84-4911, 84-4912, 84-4913, 84-4914, as Amended, 84-4915, 84-4917, Revised Codes of Montana, 1947, All Relating to State Individual Income Taxes; and Adding Sections 84-4938, 84-4939, 84-4940, 84-4941; Providing for Filing of Copy of Taxpayers' Federal Income Tax Return When Requested by the State Board of Equalization; Providing for Declaration and Payment of Estimated Tax; Providing a Saving Clause; and Repealing Sections 84-4916, 84-4918, 84-4933, 84-4934, 84-4935 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.....	609
261		374	An Act to Amend Section 80-714, Revised Codes of Montana, 1947, Relating to the Working Hours of Prison Guards, Providing for an	

HeinOnline -- 1955 xlvii 1955

Chap.	Senate Bill	House Bill	Title	Page
			Eight Hour Day and Forty-eight Hour Week, With Exceptions	620
262		401	An Act to Amend Section 8-104, Revised Codes of Montana, 1947, Relating to the Filing With the Board of Railroad Commissioners of the State of Montana of Proposed Schedules of Rates and Repealing All Acts and Parts of Acts in Conflict Herewith	621
263	59		An Act Regulating Traffic and the Operation of Vehicles Upon the Public Highways of the State of Montana, to Make Uniform the Laws Relating Thereto and to Be Known as the Montana Uniform Act Regulating Traffic on the Highways; Defining Certain Terms Used in the Act; Defining the Power of Local Authorities to Enact or Enforce Ordinances, Rules, or Regulations in Regard to Matters Embraced Within the Provisions of This Act; Establishing Rules of the Road, and Providing for the Obedience to and Effect of Traffic Laws, Exceptions Thereto, and Defining the Duties and Obligations of Authorized Emergency Vehicles; Providing for Obedience to Traffic Signs, Signals, and Markings and Required Traffic-Control Devices; Providing for Driving Vehicles on the Right Side of Roadway—Overtaking and Passing, and the Limitations Thereon, and Establishment of No-Passing Zones, and Restrictions on the Use of Controlled Access Roadways; Providing for the Right of Way for Vehicles Approaching or Entering Intersections, Turning Left at Intersections, Entering Through Highway or Stop Intersection, or From Private Road or Driveway; Providing for Pedestrians' Rights and Duties and Providing That Drivers Exercise Due Care; Prohibiting Pedestrians from Soliciting Rides or Business; Providing for Turning and Starting Vehicles and Signals to Be Given on Stopping and Turning; Requiring Special Stops and Obedience to Signals on Approach of Train; and Providing That Vehicles Stop at Railroad Grade Crossings and Providing for Moving Heavy Equipment at Railroad Grade Crossings and Providing That a Driver of a Vehicle Emerging from an Alley, Driveway, or Building Must Stop; Defining the Duties of a Driver of a Vehicle on Overtaking and Passing School Bus; Establishing Speed Restrictions, Limitations of Speed, and Speed Zones; Defining Certain Crimes in the Use and Operation of Vehicles and Fixing Penalties; Regulations on Stopping, Standing and Parking of Vehicles and Providing for Additional Parking Regulations; Providing for Miscellaneous Rules on Unattended Motor Vehicles; Regulating Riding on Motorcycles, Regulations on Backing, Obstruction to Driver's View or Driving Mechanism, Driving on Mountain Highways; Prohibiting Following Fire Apparatus, Crossing Fire Hose; Prohibiting the Deposit of Certain Materials on the Highways; Providing for the Operation of Bicycles and Play Vehicles on the Highway; Providing for Vehicles' Equipment and Devices and Inspection Thereof; Defining and Regulating the Lighting Equipment, Brakes and Other Vehicular Devices on Motor Vehicles and Other Vehicles While Traveling on the Public Highways; Providing for Revocation of Operators' and Chauffeurs' Licenses Upon the Conviction of Certain Crimes and Providing That Upon Application to the Montana Highway Patrol Board by Operators or Chauffeurs Who Have Had Their Licenses Revoked and Upon Proper Showing on the Part of the Said Applicant the Board May Issue Restricted Licenses; Providing for Enforcement; Providing for Uniformity of Interpretation; Providing That If Part of This Act Be Held Unconstitutional It Shall Not Affect Remaining Parts of Act; Repealing	

Chap.	Senate Bill	House Bill	Title	Page
			Sections 31-107, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 94, Laws of 1949, 31-108, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 118, Laws of 1949, 31-109, 32-801, 32-802, 32-803, 32-804, 32-805, 32-806, 32-1011, 32-1015, 32-1017, 32-1101, 32-1102, 32-1103, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 70, Laws of 1949, 32-1104, 32-1105, 32-1106, 32-1107, 32-1108, 32-1109, 32-1111, 32-1132, 32-1133, 32-1134, 32-1135, 32-1136, 32-1137, 32-1138, 32-1139, 32-1140, 32-1141, 32-1142, 32-1146, 32-1611, 32-1612, 69-1913, 69-1915, Revised Codes of Montana, 1947; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing Effective Date of Act.....	622
264	85		An Act to Simplify the Organization of the State Board of Health of the State of Montana, and to Coordinate the Functions, Powers and Duties of the Board; to Make the Board, as a Board, the Central and Responsible Agency in the Field of Public Health in the State of Montana, With Respect to the Multiple Functions Assigned to It, the Powers Delegated to It, and the Duties Prescribed for It, by the Legislative Assembly; to Lodge and Concentrate in the State Board of Health, as a Board, Functions, Powers and Duties That Have Been Heretofore Assigned, or Conceived to Be Assigned, to Officers, Appointees, or Employees of the Board, Whether Referred to as "Director" of a "Division" or Otherwise Referred to, Titled or Designated in Existing Legislation; to Provide That All Persons Employed by the Board, or Authorized by, for or on Behalf of the Board to Exercise Any Power or Function, or to Discharge Any Duty, Shall at All Times Act in Subordination to the Board and in Compliance With Its Rules and Regulations and Its Orders and Directives; and to Authorize the Board to Assign Duties and to Organize and Coordinate Its Internal Administration Without Regard to Titles of Appointees, or the Names or Titles of Functional Divisions or Units of Administration; Withholding from the Board, However, Authority to Create, Establish or Set Up Additional or New Functions Not Delegated to It by the Legislative Assembly; to Provide for the Organization and Administration of the State Board of Health Laboratory, and Its Services; and, in Order to Accomplish Such Purposes and Such Revisions, to Amend the Following Sections of the Revised Codes of Montana, 1947: Section 69-105 (2448) Relating to Functions, Powers and Duties of the Board and to Its Internal Organization and Administration, and to Control by the Board of Its Appointees and Employees; Section 69-201 Relating to Functions, Powers and Duties of the Board in the Field of Industrial Hygiene; Section 69-301 Relating to Functions, Powers and Duties of the Board in the Field of Tuberculosis Control; Sections 69-401, 69-403, and 69-404, Relating to Functions, Powers and Duties of the Board in the Field of Dental Health; Sections 69-502, 69-506, and 69-519, Relating to Functions, Powers and Duties of the Board in the Field of Vital Statistics, and to the Accounting for Fees Received; Section 69-901 (2540) Relating to Functions, Powers and Duties of the Board in the Field of Epidemic, Communicable and Other Diseases and to the Person Appointed by the Board and Described as State Epidemiologist or Otherwise, Under the Board; Section 69-1101 (2562) Relating to the Functions, Powers and Duties of the Board in the Field of Venereal Disease; Section 69-1102, Relating to the Acceptance and Disbursement of Federal Moneys for the Suppression of Venereal Disease; Sections 69-2802, 69-2803, 69-2804, 69-2805, 69-2807, 69-2808, 69-2810, 69-2813, Relating to the	

HeinOnline -- 1955 xlix 1955

Chap.	Senate Bill	House Bill	Title	Page
			Functions, Powers and Duties of the Board in Connection With Cold Storage of Food for Human Use, Refrigerated Lockers, Issuance and Cancellation of Licenses; License Fees; Prosecutions for Violations, and Rules and Regulations in the Exercise of Such Functions, Powers and Duties in Such Field; Section 69-3003, Relating to the Functions, Powers and Duties of the Board in the Field of Hospital Survey and Construction; Sections 71-706, 71-707, and 71-710, Relating to Definitions, Organization and Administration of Activities of the State Department of Public Welfare Pertaining to Child Welfare Services; and to Enact Under Title 69, Revised Codes of Montana, 1947, Entitled "Public Health and Safety," a Chapter to Be Numbered Chapter 32, to Be Entitled, "State Board of Health—Maternal and Child Health—Services for Crippled Children; Education for Children and Adults With Respect to Use and Abuse of Narcotics"; and to State and Define in Sections Numbered 69-3201 Through 69-3205, Inclusive Under Said Chapter 32, the Functions, Powers and Duties of the Board in the Fields of (A) Maternal and Child Health, and (B) Services for Crippled Children, in Lieu of the Sections on Each of Said Subjects Repealed or Amended Hereby, and to Provide Against Duplication of Services by Said Board and the State Department of Public Welfare, and for Cooperation With the State Superintendent of Public Instruction, and (C) in the Field of Narcotics Education, in Lieu of Sections 54-206, 54-207, 54-208, and 54-209, Repealed Hereby; and to Repeal Sections 10-401 (2503), 10-402 (2504), 10-403 (2505), 10-404 (2506), 10-405 (2507), 10-406 (2508), 10-407 (2509), and 10-408 (2510) Revised Codes of Montana, 1947, and to Repeal Sections 69-106 (2449), 69-108 (2451), 69-302, and 69-903 (2542), Revised Codes of Montana, 1947, and to Repeal Sections 71-701, 71-702, 71-703, 71-704, and 71-705, Revised Codes of Montana, 1947; Providing for the Effective Date.	691
265	145		An Act Relating to the Study of the Tax Structure of the State of Montana and Its Political Subdivisions and the Reorganization and Consolidation of the Government of the State of Montana: Declaring the Purposes of This Act; Creating the Commission on Reorganization of State Government and Prescribing the Powers and Duties of Said Commission.	710
266	S. Sub. 190		An Act to Amend Section 23-902 of the Revised Codes of Montana, as Amended by Section 12 of Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953; to Amend Section 23-909 of the Revised Codes of Montana, 1947; to Amend Section 23-929 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 64 of the Session Laws of the Thirty-second Legislative Assembly, 1951, to Amend Section 23-1002 of the Revised Codes of Montana, 1947, as Amended by Section 13 of Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953; to Amend Section 23-1006 of the Revised Codes of Montana, 1947, as Amended by Chapter 55 and by Section 14 of Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953, and Sections 23-1007 and 23-1008 of the Revised Codes of Montana, 1947, as Amended by Sections 15 and 16 of Chapter 214 of the Laws of the Thirty-third Legislative Assembly, 1953, Relating to Primary Elections, the Purpose Thereof, Candidates to Be Nominated, Expression of Choice and Preference for Nomination for President of the United States, Manner of Placing Names of Candidates for President on Primary Ballot, Form of Petition for Nomination, With	

HeinOnline -- 1955 l 1955

Chap.	Senate Bill	House Bill	Title	Page
			Number of Signers Thereon, Date of Holding Primary Election, Providing That Political Party Nominations Still Be Made Exclusively as Herein Provided, Providing for the Election and Organization of County and City Central Committeemen and Committeewomen; Providing for Exclusive Method of Selecting Presidential Electors and Delegates to National Political Conventions, Time for Holding State Convention, Membership Thereof and Conduct of Said Convention, Payment of Convention Expenses and Repealing Chapter 64 of the Session Laws of the Thirty-second Legislative Assembly, 1951, Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953, Sections 23-1003 and 23-1005 of the Revised Codes of Montana, 1947, and All Other Acts and Parts of Acts in Conflict Herewith Except as Herein Provided.....	712
267	202		An Act Providing for Licenses and Classification of Licenses Required by the Fish and Game Commission Under the Provisions of Section 26-202 of the Revised Codes of Montana, 1947, Fixing Regulations for Issuing Said Licenses and for Determining Residence; Providing for Fees, Powers and Duties Under Said Licenses; and Repealing Section 26-203 of the Revised Codes of Montana, 1947, Relating to Classes of Licenses; Repeal Section 26-205 of the Revised Codes of Montana, 1947, as Amended by Chapter 32, Session Laws of 1949, Chapter 142, Session Laws of 1951, and Chapter 129, Session Laws of 1953, Relating to Fees and Powers Under Licenses, Tagging of Carcasses and Report of Killing of Elk and Deer; Repeal Section 26-206 of the Revised Codes of Montana, 1947, Relating to Temporary Nonresident Fishing Licenses; Repeal Section 26-207 of the Revised Codes of Montana, 1947, Relating to Procuring of Licenses; Repeal Section 26-208 of the Revised Codes of Montana, 1947, as Amended by Chapter 49 of the Session Laws of 1949 and Chapter 218 of the Session Laws of 1953, Relating to Temporary Nonresident Licenses; Repeal Section 26-218 of the Revised Codes of Montana, 1947, Relating to Reports to Person Selling Licenses; Repeal Section 26-219 of the Revised Codes of Montana, 1947, Relating to Residents on Furlough from the Armed Service of the United States While at War; Repeal Section 26-322 of the Revised Codes of Montana, 1947, as Amended by Chapter 156, Session Laws of 1949, Relating to Trapper's License; Repeal Chapter 126, Session Laws of 1953, Relating to Bow and Arrow Deer Season; Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed; and Providing for an Effective Date of This Act.....	721
268		107	An Act to Amend Section 31-105, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 187, Laws of Montana, 1951, as Amended by Chapter 219, Laws of Montana, 1953, of the Montana Highway Patrol, Relating to Qualifications of Patrolmen, Salary Probationary Training, Discharge, Demotion, Suspension, Hearing; by Deleting the Term Director of Public Safety and Education; and Providing for a Salary Schedule; by Providing for a Base Salary for the Supervisor, Captains, and Sergeants; by Changing Assistant Supervisors to Patrol Captains; by Increasing the Number of Sergeants from Four to Nine; by Providing for a Probationary Period for Captains and Sergeants; and Repealing All Acts or Parts of Acts in Conflict Herewith.....	726
269		132	An Act to Amend Section 91-4402 of the Revised Codes of Montana, 1947, Relating to Inheritance Tax on Transfers in Contemplation of Death So as to Make Any Transfer Made	

HeinOnline -- 1955 li 1955

Chap.	Senate Bill	House Bill	Title	Page
			More Than Three (3) Years Before the Date of Death Not Subject to Tax, Thereby Adopting the Same Rule for State Inheritance Tax as Is Used for the Federal Estate Tax	731
270		151	An Act to Amend Chapter 44 of the Session Laws of Montana, 1953, Relating to the coverage of Certain Officers and Employees of the Political Subdivisions of the State of Montana Under the Old Age and Survivors' Insurance Provisions of Title II of the Federal Social Security Act, as Amended, by Extending to Employees of the State of Montana and Its Political Subdivisions, Including Employees Who Are Members of the Public Employees' Retirement System and Civilian Employees of National Guard Units, the Basic Protection Accorded to Others by the Old Age and Survivors' Insurance System Embodied in the Social Security Act; Providing for an Election Among Members of the Public Employees' Retirement System on the Question of Coverage; Providing for the Payment of Contributions by Both Employees and the State and Its Political Subdivisions; Designating the Board of Administration of the Public Employees' Retirement System as the State Agency to Administer This Act; Providing That If Any Provisions Hereof Are Held Invalid the Remainder of This Act Shall Not Be Affected Thereby; Providing for the Repeal of All Acts or Parts of Acts Inconsistent With the Provisions of This Act	732
271		273	An Act to Provide for Supplemental Social Security Retirement Benefits to Teachers and Staff Members Upon Approval of District Boards of Trustees for Public Schools, and of the State Board of Education for Each State Institution of Higher Education, and Referendum Votes; Providing for Separate Coverage of Each District, and of Each Institution of Higher Education, Providing for Application of the Provision of Chapter 44, Laws of 1953, Where Not in Conflict Herewith	742
272		168	An Act to Amend Section 17, Chapter 199, Session Laws of 1949, as Amended by Section 1, Chapter 182, Session Laws of 1951, Relating to the Distribution of Money Available to Districts, and the Formula for Apportionment of County Funds	745
273		246	An Act to Amend Sections 14-201, 14-202, 14-203, 14-204, 14-206 and 14-208, Revised Codes of Montana, 1947, Relating to Incorporation of Cooperative Associations; Providing for Statement to Be Filed With the Secretary of State as Articles of Incorporation; Providing That Election and Term of Office of Directors Shall Be as Provided by the Bylaws; Providing Method of, and Fees for, Amendment of Articles of Incorporation, and Issuance and Filing of Certificate Thereon; Providing Officers as Distinct from Directors; Providing for Possible Additional or Combination Officers; Providing Officers Elected by Stockholders or Directors as Provided in the Bylaws, Limiting Directors to Stockholders and President and Vice President to Directors; Providing Method of Amendment of Bylaws and When Effective, and Providing That Bylaws May Set Up Districts for Election of Directors and for Primary Elections in Connection Therewith; Providing for the Assignment of Stock Upon Consent of Directors; and Providing This Act Effective Upon Its Passage and Approval	748
274		397	An Act Authorizing Marlowe Ewy to File With the State Board of Examiners His Claim Against the State of Montana for Compensation for the Losses Sustained and Expenditures Made on Behalf of the State of Montana in Op-	

HeinOnline -- 1955 lii 1955

Chap.	Bill Senate	Bill House	Title	Page
			erating the Concessions at Goose Bay State Park in Flathead County, Montana, and Authorizing Said Board of Examiners to Hear, Audit and Determine Said Claim of Marlowe Ewy Which Said State Board of Examiners May Approve and Allow	751
275		419	An Act Authorizing the State Board of Examiners to Hear, Audit and Determine the Claim of Margaret M. Shane for the Loss of a Hereford Cow Owned by Her, Which Was Struck and Killed by a Northern Pacific Railway Company Train, Due to the Removal of the Right of Way Fence Between the Track of Said Railway Company and the Adjacent Highway, Which Removal Was at the Direction of the State of Montana, Acting by and Through Its State Highway Commission; and Appropriating Money from the Highway Fund for the Settlement of Such Claim, Not Exceeding the Sum of One Hundred Twenty-five Dollars ($125.00)	754
276		424	An Act Authorizing Roy Waller, as Representative of Wilda Linderman, Verne B. Linderman, and Norma L. Waller, to File With the State Board of Examiners Their Claim Against the State of Montana for Compensation Due and Owing for Rentals on the Linderman Lodge on Flathead Lake, Lake County, Montana, and for Expenditures Made, and to Be Made, on Behalf of the State of Montana to Restore Said Lodge to Its Original Condition, as Per Lease; and Authorizing Said Board of Examiners to Hear, Audit and Determine Said Claim of Wilda Linderman, Verne B. Linderman, and Norma L. Waller, Which Said State Board of Examiners May Approve and Allow; and Providing for an Effective Date	755
277		437	An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds in Addition to Bonds Already Authorized to Be Issued and Sold for the Purpose of Constructing, Building and Furnishing Quarters for the Governor; Designating the Funds from Which Said Bonds Shall Be Paid; Providing for a Governor's Quarters Construction Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act; and Providing for an Effective Date	758
278		438	An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Reconstructing and Renovating the State Capitol Building Including Roll Call Voting Machines in the House of Representatives Chambers; Designating the Funds from Which Said Bonds Shall Be Paid; Providing for a State Capitol Building Reconstruction and Renovation Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act	761
279		435	An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Purchasing Lands in Lewis and Clark County, Montana, to Provide for the Future Building Needs of the State of Montana; Providing for a State Land Acquisition Interest and Sinking Fund; Providing for Air Conditioning and Rock Excavation in the Laboratory Building; Providing for Laboratory Facilities for the Board of Health; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act	764

HeinOnline -- 1955 liii 1955

APPROPRIATIONS

House Bill	Title	Page
3	An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirty-fourth Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Thirty-fourth Legislative Assembly of the State of Montana	769
16	An Act to Appropriate Money for the Purchase of Replacement Volumes of the Revised Codes of Montana of 1947	770
61	An Act to Appropriate Money for the Purchase of Cumulative Pocket Supplements of 1955, for the Revised Codes of Montana, 1947.	770
62	An Act to Appropriate Money for the Purchase of Sets of the Revised Codes of Montana, 1947, and Replacement Volumes Three and Four of Said Code	771
119	An Act to Appropriate Money for the Construction of Facilities Necessary for the Administration and Training of the National Guard.	772
145	An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising from Obligations Incurred by the Governor's Office for Requisitions, the Thirty-third Legislative Assembly, District Judges, State Auditor's Office, Attorney General's Office, Board of Equalization, Capitol Custodian, Montana State Training School, and for the State Highway Department; and an Effective Date of This Act	772
152	An Act Making Appropriations for the State Public School Equalization Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1955, and Ending June 30, 1957	775
190	An Act Appropriating Money from the Escheated Estates' Fund to the Attorney General for the Following Purposes: To Enable the Attorney General to Hire Expert Witnesses in the Trial of Escheated Estates; to Order and Pay for the Taking of Depositions of Necessary Witnesses in Escheated Estates; to Employ Counsel to Represent the State of Montana in the Taking of Depositions and Interviewing Witnesses; to Subpoena Witnesses and to Pay Their Fees and Necessary Traveling Expenses; to Pay Costs of Printing of Briefs and Transcripts, Stenographic Fees and Services; to Order and Secure Original Documents and Photostats Thereof; to Pay the Salary of the Special Assistant Attorney General in Charge of Escheated Estates and Pay His Necessary Travel and Other Expenses and in General to Further the Enforcement of the Escheated Property Act, and Reappropriating Any Balance of Money Remaining on June 30, 1955, from That Specific Appropriation Made from the Escheated Estates' Fund Under the Provisions of Substitute House Bill No. 107 of the Thirty-third Legislative Assembly, to Be Used by the Attorney General for the Purposes Specified in This Appropriation.	776
192	An Act to Appropriate Money to the Board of Examiners from the Capitol Land Grant Fund in the Sum of One Thousand Six Hundred Eighteen Dollars and Twenty-two Cents ($1,618.22) to Purchase Certain Lots Adjacent to Capitol Grounds, Providing for Title to Be Vested in the State of Montana; and Effective Date of This Act	778
251	An Act to Appropriate Money to the State Board of Health for a Supplemental Appropriation for the Mobile Chest X-ray Survey.	778
298	An Act to Appropriate Money for the Purpose of Making Settlement With Richard Meens Arising From an Obligation Incurred for the Payment of Salary for Richard Meens, a Professor at Eastern Montana College of Education, Billings, Montana, and Providing That the State Board of Examiners Shall Make Final and Complete Settlement	779
417	An Act to Appropriate Money for the Purchasing of Thirty-two (32) New Stenographic Chairs for the Thirty-fourth Legislative Assembly of the State of Montana and for Use of Legislative Assemblies Thereafter; Providing for the Procedure to Be Followed With Respect to the Purchase of Said Chairs; Providing for the Said Appropriation to Be Valid Notwithstanding the Provisions of the Budget Act; Providing for This Act to Be in Full Force and Effect From and After Its Passage and Approval	779
418	An Act Appropriating Money to the Montana Trade Commission for the Purpose of Investigating Price-Fixing Practices in the	

HeinOnline -- 1955 liv 1955

House Bill	Title	Page
	Marketing of Gasoline and Refined Petroleum Products in Montana, and Possible Violations of Constitutional and Statutory Provisions; and Declaring an Emergency	780
420	An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1955, and Ending June 30, 1957	781
421	An Act to Appropriate Money to the Board of Examiners for the Payment of Certain Contract Obligations at the Montana State Prison for the Purchase of Lands Known as Deer Lodge Valley Farms, Payment of Lease on Certain State and Forest Lands, Payment of Taxes on Lands Under Purchase Contract, Final Payment on Machinery Purchase Contract, and to Pay Interest on Unpaid Balance and Providing for an Effective Date	792
422	An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and for All Other Expenditures Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning With July 1, 1955, and Terminating With June 30, 1957	793
425	An Act to Appropriate Money for the Purpose of Paying Expenses, as Designated Herein, for Montana State Training School, State Orphan's Home, Vocational School for Girls, Bureau of Vocational Rehabilitation, County Attorneys, Governor's Office, State Forester, State Treasurer, Milk Control Board, State Library Extension Commission, Montana State Prison, Montana Soldiers' Home, District Judges, Memorial Building, Mitchell Building, Capitol Custodian, Department of State Lands and Investments, Montana State Hospital, Montana State Industrial School, Board of Education, Superintendent of Public Instruction, Attorney General's Office, and State Park Division, for the Remainder of the Current Fiscal Year Ending June 30, 1955, It Being Determined the Appropriation Made by the Thirty-third Legislative Assembly to Be Insufficient; and to Transfer Monies from One Fund to Another Within the Budget of Highway Patrol, and Providing for an Effective Date	796
426	An Act to Reappropriate Such Balances of Money as May Remain on June 30, 1955, in Certain Specific Appropriations Made from the General Fund Under Certain Specific Provision of House Bill No. 369 of the Thirty-third Legislative Assembly of Various Departments, More Particularly Itemized as Follows: Montana State Industrial School, State Soldiers' Home, State Training School, State Tuberculosis Sanitarium, and Home for Senile Men and Women	801
427	An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising from Contractual Obligations Incurred by the State Board of Health	802
428	An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Institutions, for the Period Beginning July 1, 1955, and Ending June 30, 1957	803
429	An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions, for the Period Beginning July 1, 1955, and Ending June 30, 1957	817
430	An Act to Appropriate Money for the Operation and Maintenance and for Other Purposes Designated Herein for the Several Units of the University of Montana, Known as Montana State University, Montana State College, Experiment Station and Substations, Extension Service, Montana School of Mines, Western Montana College of Education at Dillon, Eastern Montana College of Education at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1955 and Ending June 30, 1957	830
431	An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions, for the Period Beginning July 1, 1955, and Ending June 30, 1957	849
432	An Act to Appropriate Money for the Salaries, Expenses and Other Purposes, as Designated Herein, for the Board of Pardons, for the Period Beginning April 1, 1955, and Ending June 30, 1957	891

HeinOnline -- 1955 lv 1955

House Bill	Title	Page
433	An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising from Obligations Incurred by the District Judges and Capitol Custodian, and Making a Supplemental Appropriation to the Governor's Office and Providing for an Effective Date	893
436	An Act to Appropriate Money to the Board of Examiners from the General Fund in the Sum of Twenty-five Thousand Dollars ($25,000.00) to Purchase Certain Lands Known as the Joe Ryan Ranch; Providing for Title to Be Vested in the State of Montana; and Providing for an Effective Date	894

MEMORIALS AND RESOLUTIONS

No.	Title	Page
House Joint Memorial No. 1	A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, Representatives from the State of Montana; to the Honorable Secretary of Interior of the United States; to the Honorable Secretary of Agriculture of the United States; Relating to Irrigation Canal Seepage, Mosquito Control and Land Development	894
House Joint Memorial No. 2	A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, Representatives from the State of Montana and to the Honorable Postmaster General; Relating to Issuance of a Stamp Commemorating Charles M. Russell	896
House Joint Memorial No. 3	A House Joint Memorial to the President of the United States, Dwight D. Eisenhower; to the Secretary of the Interior, Douglas McKay; to the Commissioner of Reclamation, W. A. Dexheimer; to the Chief of Army Engineer Corps, Major General S. D. Sturgis, Jr.; to the Members of the Interior and Insular Affairs' Committees of the United States Senate and United States House of Representatives; to the Montana Senators, James E. Murray and Mike Mansfield; to the Congressmen Orvin Fjare and Lee Metcalf; and to the State Governors on the Missouri Basin States Governors' Committee, Asking an Allocation of Funds for Completion of the Moorhead Dam	897
House Joint Memorial No. 4	A Joint Memorial of the Senate and House of Representatives of the State of Montana to the President of the United States; to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, Representatives from the State of Montana; Relating to the Long and Short Haul Clause of Section Four of the Interstate Commerce Act	898
House Joint Memorial No. 6	A Joint Memorial of the House of Representatives and Senate of the State of Montana to the Congress of the United States, to James E. Murray and Mike Mansfield, Senators from the State of Montana, and to Lee Metcalf and Orvin Fjare, Representatives in Congress from the State of Montana, Urging That the Congress of the United States Make Sufficient Funds Available to Develop Topographic Maps for the Entire State of Montana as Soon as Possible	899
House Joint Memorial No. 8	A Joint Memorial of the Senate and House of Representatives of the State of Montana to the	

HeinOnline -- 1955 lvi 1955

No.	Title	Page
	Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators from Montana, to the Honorable Orvin Fjare and the Honorable Lee Metcalf, Congressmen from the State of Montana, Memorializing the Congress of the United States to the Rehabilitation, and Education for the Montana Landless Indians.....	900
House Joint Memorial No. 10	A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States; to the Honorable James E. Murray and Mike Mansfield, United States Senators from Montana; to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress from the State of Montana; and to the Honorable Douglas McKay, Secretary of the Interior; the Honorable Glenn Emmons, Commissioner of Indian Affairs; the Senate Committee on Interior and Insular Affairs and to the House Committee on Interior and Insular Affairs; Requesting That Congress Authorize Long Term Contracts Between the Bureau of Indian Affairs and the State of Montana Which Would Guarantee Specific Sums of Money to the Local Government Units for Services Rendered on Indian Reservations.	901
House Joint Memorial No. 11	A Joint Memorial of the House of Representatives and the Senate of the State of Montana to the President of the United States, Dwight D. Eisenhower, to the Congress of the United States, to United States Senators James E. Murray and Mike Mansfield, to Congressmen Lee Metcalf and Orvin B. Fjare, to Honorable Sinclair Weeks, Secretary of Commerce, and to Honorable C. D. Curtiss, Chief of Public Roads Administration, All of Washington, D. C.; Requesting a Reallocation and Increased Strategic Mileage Under the Federal-Aid Highway Act of 1954 to Add U. S. Highway No. 2 to the Interstate System in Accordance with the Needs Existing in 1954.....	903
House Joint Memorial No. 12	A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Lee Metcalf and the Honorable Orvin Fjare, Representatives to Congress from the State of Montana; to the Honorable Ezra Taft Benson, Secretary of the Department of Agriculture of the United States, Washington, D. C., Urging That Continuation of the Bob Marshall Wilderness Area Within the Flathead and Sun River Drainages in Montana Remain in Its Present Wilderness Status and That Careful Consideration Be Given to an Extension of the Area to the North and Further That the Bob Marshall Wilderness Area Be Placed on a Permanent Status.	905
House Joint Resolution No. 2	A Joint Resolution of the House of Representatives of the State of Montana, the Senate Concurring, Recommending That the Governor, the Attorney General, the Secretary of State and the Director of the State Historical Society Do Everything in Their Power to Locate the National Rodeo and Cowboy Hall of Fame and Museum in Montana.	908
Senate Joint Memorial No. 2	A Joint Memorial to the Congress of the United States of America, to the Honorable United States Senators James E. Murray and Mike Mansfield, and to the Honorable Representatives in Congress Lee Metcalf and Orvin Fjare, Requesting That the Eighty-fourth Congress Give Favorable Consideration to Legislation to Amend Public Law 280, Passed by the First Session of the Eighty-third Congress, That Such Amending Legislation Be Written So That Each Indian Tribe Can Vote by Referendum on the Question of Whether or Not Civil and Criminal Jurisdiction of the State Within Which the Reservation Lies Will Become the Law of the Reservation.....	909

HeinOnline -- 1955 lvii 1955

No.	Title	Page
Senate Joint Memorial No. 3	A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the President of the United States, Dwight D. Eisenhower, Senator James E. Murray of Montana, Senator Mike Mansfield of Montana, Senator Joseph C. O'Mahoney of Wyoming, Senator Frank Barrett of Wyoming, Congressman Lee Metcalf of Montana, Congressman Orvin Fjare of Montana, the Appropriation Committee of the United States Senate, the Appropriation Committee of the United States House of Representatives, the Committee on Interior and Insular Affairs of the United States Senate, the Committee on Interior and Insular Affairs of the United States House of Representatives, Wilbur A. Dexheimer, Commissioner of the Bureau of Reclamation, Rowland R. Hughes, Director of the Budget, Glenn L. Emmons, Commissioner of Indian Affairs, Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation Authorizing That Sufficient Appropriations Be Provided the Bureau of Reclamation for the Immediate Construction of Yellowtail Dam Located on the Big Horn River in Big Horn County in Southeastern Montana.	910
Senate Joint Memorial No. 4	A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Congress of the United States, to the Honorable James E. Murray and Mike Mansfield, United States Senators of Montana, and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress from Montana, and to the Secretary of Agriculture of the United States Requesting "Sugar Act of 1948" Be Continued in Force and the Quota of Domestic Beet Sugar Be Increased.	913
Sen. Sub. for Senate Joint Memorial No. 5	A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable Dwight D. Eisenhower, President of the United States, the Honorable Sinclair Weeks, Secretary of Commerce, the Honorable C. D. Curtiss, Chief of the Public Roads Administration, to the Congress of the United States of America and to the Honorable James E. Murray and Mike Mansfield, United States Senators from Montana, and to the Honorable Lee Metcalf and Orvin Fjare, Representatives in Congress from Montana, and to the Western Association of State Highway Officials, Requesting That the Federal Government Oppose and Reject Any Proposed Change in Apportionment of Federal Aid as Now Provided by Law for the Federal Aid Primary and Secondary Systems, Which Would Be Detrimental to the Low Population States.	914
Senate Joint Memorial No. 7	A Joint Memorial to the Congress of the United States and to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from Montana, and to the Honorable Lee Metcalf and the Honorable Orvin B. Fjare, Representatives from Montana, Requesting the Appropriation of Sufficient Federal Funds to Be Set Aside as an Emergency Fund for Indian Relief and Welfare of All Kinds to Be Used During the Period of Adjustment When the United States Government Shall Withdraw from the Field of Providing Medical, Hospital and Other Welfare and Security Needs of the Ward Indians of the United States.	916
Senate Joint Memorial No. 8	A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Honorable Dwight D. Eisenhower, President of the United States; to the Congress of the United States; to the Honorable Sinclair Weeks, Secretary of Commerce; to the Honorable C. D. Curtiss, Chief of Public Roads Administration; to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators from Montana; to the Honorable Lee Metcalf and the Honorable Orvin Fjare, Congressmen from Montana, Requesting a Re-allocation and Increased Strategic Mileage in the Federal Aid Highway Act of 1944 to Add United States Highway No. 2 to the National System of State Highways.	917

HeinOnline -- 1955 lviii 1955

No.	Title	Page
Senate Joint Memorial No. 9	A Joint Memorial to the Congress of the United States, the Commissioner of Indian Affairs, the Agencies of the United States Government Involved, Honorable James E. Murray and Honorable Mike Mansfield, Senators from Montana, Honorable Lee Metcalf and Honorable Orvin B. Fjare, Representatives from Montana, Requesting the Government of the United States and the Agencies Thereof Involved to Provide Payments or Grants in Lieu of Taxes of Non-taxable Governmental and Indian Lands in the State of Montana for the Use and Benefit of the Counties of Montana Wherein Such Indian Lands Are Located as Payment for Governmental and Welfare Services Provided to the Indian Population by the State of Montana and the Particular Counties Involved	920
Senate Joint Memorial No. 10	A Joint Memorial of the Senate and the House of Representatives of the State of Montana, to the Congress of the United States, to the Honorable James E. Murray and Mike Mansfield, United States Senators from Montana, and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress from Montana, and to the Secretary of Agriculture of the United States Requesting the Federal Government to Give Every Consideration to an Emergency Program of Control for Spruce Budworm Infestations of the Forests Which Are in Critical Stages in Montana	921
Senate Joint Memorial No. 11	A Joint Memorial of the Senate and the House of Representatives of the State of Montana, to the Congress of the United States, to the Honorable James E. Murray and Mike Mansfield, United States Senators of Montana, and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress from Montana, and to the Secretary of Agriculture of the United States Requesting an Increase in Acreage Allotments for Montana's Premium High Protein Milling Wheat	922
Senate Joint Memorial No. 12	A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Honorable Dwight D. Eisenhower, President of the United States; the Honorable James E. Murray and Mike Mansfield, United States Senators from Montana; and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress from Montana; the Appropriations Committee of the United States Senate; the Appropriations Committee of the House of Representatives; the Committee of Interior and Insular Affairs of the United States Senate; the Committee of Interior and Insular Affairs of the House of Representatives and Joseph M. Dodge, Director of the Budget, Requesting the Introduction and Early Enactment Into Law the Necessary and Proper Legislation Authorizing Sufficient Appropriations Be Provided the Corps of Army Engineers for Early Construction of the Libby Dam Located on the Kootenai River in Lincoln County in Northwestern Montana	923
Senate Joint Resolution No. 1	A Joint Resolution Declaring an Emergency to Exist Up to and Including March 3, 1955, and Providing for the Compensation and Employment of Additional Help in Addition to the Employees Enumerated in Section 43-212 "Revised Codes of Montana, 1947" for the Senate During the Thirty-fourth Legislative Assembly of the State of Montana Pursuant to the Authority Granted by Section 43-313 "Revised Codes of Montana, 1947" and Providing That Such Additional Employment and Said Emergency Shall Cease Not Later Than March 3, 1955	924

CHANGES OF NAMES REPORTED, 1953–1954 926

HeinOnline -- 1955 lix 1955

CONSTITUTIONAL AMENDMENT

and

REFERENDUM MEASURES

Titles Page

CONSTITUTIONAL AMENDMENT

CHAPTER 106

An Act to Submit to the Qualified Electors of the State of Montana, an Amendment to Section 9 of Article VII of the Constitution of the State of Montana, Relating to the Power of the Governor to Grant Pardons, to Remit Fines and Forfeitures to Grant Commutation of Punishment and Respites After Conviction and Judgment for Any Offenses Committed Against the Criminal Laws of the State; Providing, That Before Granting Pardons, Remitting Fines and Forfeitures or Commuting Punishments, That the Action of the Governor Concerning the Same Shall Be Taken Upon the Advice of a Board, or a Majority Thereof, Who Shall Be Known as the Board of Pardons; and Providing Further That the Legislative Assembly, Shall by Law, Prescribe for the Appointment and Composition of Said Board of Pardons, Its Powers and Duties; and to Regulate the Proceedings Thereof. 931

REFERENDUM MEASURE NO. 56

CHAPTER 214

An Act Providing for the Expression by the People of the State of Montana of Their Preference for Party Nominations for President of the United States; Providing for the Election of Delegates and Alternates to National Conventions of Political Parties; Providing for the Method of Holding Presidential Primaries; Amending Section 23-1002 of the Revised Codes of Montana, 1947, Relating to the Method of Selecting Delegates to National Political Conventions; Amending Section 23-1006 of the Revised Codes of Montana, 1947, Relating to the Election of Presidential Delegates and Alternates to the National Conventions; Amending Section 23-1007 of the Revised Codes of Montana, 1947, Relating to the Certification of the Election of Delegates to the National Conventions; Amending Section 23-1008 of the Revised Codes of Montana, 1947, Relating to Payment of Convention Expenses; Amending Section 23-902 of the Revised Codes of Montana, 1947, Relating to the Date of Holding Primary Elections; Providing for the Submission of This Act to the Qualified Electors of the State of Montana at the Next General Election; Describing the Form of Ballots to Be Used and the Duties of Secretary of State of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of Said State; Providing When This Act Shall Take Effect; and, Providing for Repeal of All Other Acts and Parts of Acts in Conflict Herewith Upon Approval of This Act by Majority of All Votes Cast at the Referendum Election Herein Provided. 932

REFERENDUM MEASURE NO. 57

CHAPTER 246

An Act to Authorize the State of Montana to Become Indebted for the Sum of Two Million Dollars ($2,000,000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated for the Construction and Equipment of Necessary Buildings and Other Permanent Improvements for the Montana State Hospital for the Insane at Warm Springs, Montana; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds and Providing for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon; and Providing for a Referendum of This Act. 941

REFERENDUM MEASURE NO. 58

CHAPTER 248

An Act to Authorize the State of Montana to Become Indebted for the Sum of One Million Five Hundred Thousand Dollars ($1,500,000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction and Equipment of Necessary Buildings and Other Permanent Improvements

HeinOnline -- 1955 lx 1955

Title Page

and the Acquisition of Necessary Grounds Therefor for the Montana State Training School at Boulder, Montana, and the Acquisition of Farm Lands to Be Used in Connection Therewith and for the Support Thereof; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds and Providing for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon; and Providing for a Referendum of This Act. 944

SESSION LAWS

CHAPTER 1

An Act to Fix the Compensation of Officers and Employees of the Thirty-fourth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Emergency declared.

Compensation legislative officers, employees increased.

Section 1. WHEREAS existing wage scales in effect at this time present an emergency requiring that the compensation of officers and employees of the thirty-fourth legislative assembly shall be paid a higher rate than that heretofore required, or which in all probability will be hereafter required, and notwithstanding the general law fixing the compensation of officers and employees of the legislative assemblies, and expressly without amending any such law or laws except to the extent that they shall not apply to the compensation of officers and employees of the thirty-fourth legislative assembly;

Compensation shall be paid to the officers and employees of the thirty-fourth legislative assembly as follows:

The secretary of the senate, the chief clerk of the house of representatives, the sergeant-at-arms of each house fifteen dollars ($15.00) per day. The senate law clerk and house of representatives law clerk eleven dollars ($11.00) per day;

The assistant secretary of the senate, the assistant chief clerks of the house of representatives; the journal clerk, the enrolling clerk, engrossing clerk, the bill clerk, the chief printing clerk of each house; the assistant sergeant-at-arms of the senate, the assistant sergeants-at-arms of the house of representatives; the assistant senate law clerk and the assistant house of representatives law clerk (in case such assistants are employed), the secretary to the judiciary committee, the secretary to the finance and claims committee of the senate, the secretary to the judiciary committee, the secretary to the appropriations committee of the house, the clerk to the chief clerk of the house, the sten-

HeinOnline -- 1955 1 1955

ographer to the secretary of the senate, the chief stenographer of the senate, the secretary to the speaker of the house of representatives, the secretary to the president of the senate, and the secretaries to the majority floor leaders of both houses, ten dollars ($10.00) per day each.

The assistant journal clerk, the assistant bill clerk, the assistant enrolling clerk, the assistant engrossing clerk, the assistant printing clerk, the reading clerk, the secretary to the sergeant-at-arms of each house; two chief proof readers, and the mailing clerk, of the senate; the payroll clerk of the house of representatives, the supply clerk of the house of representatives, stenographers, and the mailing clerk and filing clerk of each house, nine dollars ($9.00) per day each.

Other committee clerks, typists, other proof readers, and telephone operators, elevator operators of each house, eight dollars ($8.00) per day each.

The chaplain, assistant door-keepers, janitors, assistant janitors, and watchman of each house, seven dollars ($7.00) per day each.

Pages, five dollars ($5.00) per day each.

And all other employees of the legislative assembly not herein specifically enumerated, eight dollars ($8.00) per day each.

Each salary herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any officer or employee whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee.

Increased for 34th Assembly only.

Section 2. The salaries herein specified to be paid to officers and employees shall be effective for and shall be paid only to such officers and employees of the thirty-fourth legislative assembly of the State of Montana and shall not be effective for nor payable to the officers and employees of any subsequent legislative assembly.

Effective immediately.

Section 3. The act shall take effect and be in full force from and after its passage and approval.

Approved January 10, 1955.

HeinOnline -- 1955 2 1955

CHAPTER 2

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Repairing the State Capitol Building; Designating the Funds From Which Said Bonds Shall be Paid; Providing for a State Capitol Building Repair, Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Bonds authorized.

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of repairing the state capitol building at Helena, Montana.

Employment of architect, engineer.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect and/or engineer to complete plans; and to proceed with the repair of the state capitol building without delay, as soon as proceeds from the bonds are available.

Board of examiners to call for bids, require bonds.

Section 3. The state board of examiners shall call for bids for the repair of said building and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractors to give bonds to the State of Montana in the amount of one hundred percent (100%) of the contract price, conditioned for the faithful performance of their duties and contracts.

$100,000.00 bonds authorized.

Section 4. The aggregate amount of bonds authorized by this act for the purposes herein expressed, shall not exceed the sum of one hundred thousand dollars ($100,000.00).

Interest rate, term, conditions.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four percent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable at any time after the date of issue, at the option of the state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as

HeinOnline -- 1955 3 1955

the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Sale, registry of bonds.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Payable only from land grant fund.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, shall be, and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, shall likewise be, and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act, and to cover and pay the cost of repairing of said building to the extent said balances or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided, only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in, or that may be accrued to, said capitol building land grant fund, in order to make available for such repair of said building a total of one hundred thousand dollars ($100,000.00).

Capitol repair sinking and interest fund created.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the state capitol building repair, interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore

HeinOnline -- 1955 4 1955

dedicated and appropriated to the payment of the principal and interest of said bonds and the repair of said building.

Excepted from budget act.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Severable.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Effective immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved January 28, 1955.

CHAPTER 3

An Act to Amend Section 16-1620 Revised Codes of Montana, 1947, Relating to Form and Terms of District Warrants and Bonds; Interest to be Charged for the Same, and Providing That the Term or Period Over Which Said Bonds May Extend Shall Not Exceed Twenty (20) Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 16-1620 be and the same is hereby amended to read as follows:

District bond and warrants.

"16-1620 (4593) **Form and terms of district warrants and bonds.**

Form of

(1) All costs and expenses incurred in the construction or maintenance of any improvement specified in this act, in any improvement district shall be paid for by special improvement district bonds, or warrants. Such bonds or warrants shall be drawn in substantially the following form:

District No.....
United States of America
State of Montana

Warrant or	Dollars
(Bond No.....)	$.....

HeinOnline -- 1955 5 1955

Interest *at the rate of* ..... per cent per annum, payable annually.

Special Improvement District Coupon Warrant or Bonds

....., Montana.

Issued by the County of ....., Montana.

The County Treasurer of ..... County, Montana, will pay to ....., or bearer, the sum of ..... dollars, as authorized by Resolution No. ....., as passed on the ..... day of ....., 19....., creating or maintaining special improvement district No. ....., for the construction (or maintenance) of the improvements and work performed as authorized in said resolution to be done in said district, and all laws, resolutions and ordinances relating thereto, in payment of the contract in accordance therewith. The principal and interest of this warrant (or bond) are payable at the office of the county treasurer of ..... County, Montana.

This warrant (or bond) bears interest *at the rate of* ..... per cent per annum from the date of the registration of this warrant (or bond), as expressed herein, until the date called for the redemption by the county treasurer. The interest on this warrant (or bond) is payable annually on the first day of ..... of each year, unless paid previous thereto and as expressed by the interest coupons hereto attached, which bear the engraved facsimile signature of the chairman of the board of county commissioners and the county clerk.

This warrant (or bond) is payable from the collection of a special tax or assessment which is a lien against the real estate within said improvement districts, as described in said resolution hereinbefore referred to.

This warrant (or bond) is redeemable at the option of the county at any time there are funds to the credit of said special improvement district fund (construction and maintenance) for the redemption thereof, and in the manner provided for the redemption of the same.

It is hereby certified and recited, that all things required to be done precedent to the issuance of this warrant (or

HeinOnline -- 1955 6 1955

bond) have been properly done, happened and been performed in the manner prescribed by the laws of the State of Montana and the resolution and ordinances of the County of ....., Montana, relating to the issuance thereof.

Dated at ....., Montana, this ..... day of ....., 19....., County of....., Montana.

(SEAL)

By ....., Chairman of the Board of County Commissioners. (SEAL)

....., County Clerk.

Registered at the office of the County Treasurer of ..... County, Montana this ..... day of ....., 19.....

.....
County Treasurer

Terms of.

(2) And the same shall be drawn against the special improvement district fund created for the district, that is, either the construction or maintenance fund as the case may be, and shall bear interest *not to exceed six per cent* per annum from the date of registration until called for redemption or paid in full, interest to be payable annually on the first day of January of each year, unless the board of county commissioners prescribe another date. Such warrants (or bonds) shall be signed by the chairman of the board of county commissioners and the county clerk, and shall bear the corporate seal of the county. They shall be registered in the office of the county clerk and the county treasurer, and, if interest coupons be attached thereto, they shall also be so registered, and shall bear the signature of the chairman of the board of county commissioners and the county clerk; provided, however, that said coupons may bear the facsimile signatures of said officers in the discretion of the board of county commissioners. Said bonds shall be in denominations of one hundred dollars ($100.00) or fractions, or multiples thereof; and may be issued in instalments, and may extend over a period of not to exceed *twenty (20)* years.

Redemption of.

(3) Such warrants (or bonds) shall be redeemed by

HeinOnline -- 1955 7 1955

the county treasurer when there are funds in the special improvement district fund against which said warrants (or bonds) are issued available therefor; provided that the county treasurer shall first pay out of the proper special improvement district fund, annually, the interest on all outstanding warrants (or bonds) on presentation of the coupons belonging thereto, and any funds remaining in the proper fund shall be applied to the payment of the principal and the redemption of the warrants (or bonds) in order of their registration; provided, further, that whenever there are any funds in any special improvement district fund, after paying the interest on such warrants (or bonds) drawn against said fund, the county treasurer shall call in for payment outstanding warrants (or bonds), which, together with the interest thereon to the date of redemption, will equal the amount of said fund on that date, which date shall be fixed by the county treasurer, who shall give notice by publication once in a newspaper published in the city, or, at the option of the county treasurer, by written notice to the holder or holders of such warrants (or bonds), if their address be known, of the number of warrants (or bonds), and the date on which payment will be made, which date shall not be less than ten days after the date of publication or of service of notice, and on which date so fixed, interest shall cease. When it is provided by the resolution creating or maintaining the district that the work be paid in warrants (or bonds) the board of county commissioners shall by resolution fix the denominations of such warrants (or bonds) which may be one hundred dollars ($100.00), or fractions or multiples thereof, the rate of interest, which shall not exceed six per cent (6%) per annum, and provide for the payment or redemption of such warrants (or bonds) at a time certain, which time of payment must not exceed *twenty (20)* years from and after the date of issuance.''

Effective immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1955.

CHAPTER 4

An Act to Amend Section 9-209 of the Revised Codes of Montana of 1947, as Amended by Chapter 93 of the

HeinOnline -- 1955 8 1955

Laws of 1951, Relating to the Budget and Tax Levy for Cemetery Districts and Validating, Ratifying, Approving and Confirming Cemetery District Warrants Heretofore Issued for Services Actually Rendered or Goods, Wares, Merchandise or Material Actually Furnished and Providing for the Payment of Such Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 9-209 of the Revised Codes of Montana of 1947, as amended by chapter 93 of the laws of 1951, be, and the same is hereby amended to read as follows:

Cemetery district, budget and tax levy.

"9-209. **Budget and Tax Levy.** The board of cemetery trustees shall annually present a budget to the board of county commissioners at the regular budget meetings as prescribed by law. The board of county commissioners must annually, at the time of levying county taxes, fix and levy upon all property within said cemetery district, sufficient to raise the amount certified by the board of cemetery trustees to be raised by a tax on the property of said district. The tax so levied shall not exceed two (2) mills on each dollar of taxable valuation on the property of said district. *Expenditures made, liabilities incurred, or warrants issued by or in behalf of any cemetery district in excess of the annual budget presented to the board of county commissioners as provided herein and the amount appropriated for and authorized to be expended for each item in the budget shall not be a liability of the cemetery district. Insofar as the same can be made applicable, the county budget system, sections 16-1901 to 16-1911 of the Revised Codes of Montana of 1947, shall govern the operation of cemetery districts created under this act.*

Excess expenditures not liability of district.

Validation of previous warrants.

Section 2. All warrants heretofore issued by any cemetery district for services actually rendered or goods, wares, merchandise or material actually furnished to said cemetery district are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power of such cemetery district to authorize or issue such warrants by reason of noncompliance with any budget act or their being in excess of any cemetery district budget or because of failure to include provision for the same in any cemetery district budget or otherwise and said warrants so issued for value received by said cemetery district shall be binding,

HeinOnline -- 1955 9 1955

legal, valid and enforceable obligations of such cemetery district.

Validated warrants, how paid.

Section 3. All cemetery district warrants validated, ratified, approved and confirmed by the provisions of this act shall be paid by the cemetery district which issued the same from any funds which the cemetery district may have on hand which are not appropriated for other purposes. Any such cemetery district is also authorized and directed to make provision for the payment of said warrants by including in its budget each year in which such warrants remain outstanding an item providing for the payment of such warrants as can be paid within the proceeds of the two (2) mill maximum levy on each dollar of taxable valuation of the property of said district specified in section 9-209 of the Revised Codes of Montana of 1947, as amended by chapter 93 of the laws of 1951, taking into consideration other income of the cemetery district and after having provided for the other budget requirements submitted by the board of cemetery trustees to the board of county commissioners and such maximum two (2) mill levy shall be made annually until said warrants are paid, provided, that no interest or other charges for the use of the money represented by said warrants shall be paid by the cemetery district. All cemetery district warrants validated, ratified, approved and confirmed by the provisions of this act shall be listed by the cemetery district having issued the same in the order in which they were issued by said cemetery district and the warrants shall be paid in the order in which they were issued as funds become available for the payment thereof under the provisions of this act.

Repealing cleause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1955.

CHAPTER 5

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations, Heretofore Issued by Public Bodies of This State, and All Proceed-

HeinOnline -- 1955 10 1955

ings Heretofore Taken by Such Public Bodies, to Authorize and Issue Such Bonds, Instruments and Other Obligations, However Described, and Providing That This Act May be Cited as "The 1955 Bond Validating Act."

Be it enacted by the Legislative Assembly of the State of Montana:

How cited.

Section 1. This act may be cited as "the 1955 bond validating act."

Terms defined.

Section 2. The following terms, wherever used or referred to in this act, shall have the following meanings:

(1) The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other political or governmental subdivision of the State of Montana, and shall also include the state board of education, the state board of examiners, the state water conservation board, the state highway commission, or any other governmental agency of this state.

(2) The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Validating bonds and proceedings.

Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery, and bonds of such public bodies, whether heretofore issued or hereafter issued under the authority of proceedings heretofore taken, are and shall

HeinOnline -- 1955 11 1955

be binding, legal, valid and enforceable obligations of such public body.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1955.

CHAPTER 6

An Act to Amend Section 11-1001 of the Revised Codes of Montana, 1947, Relating to the Authorization of Cities and Towns to Furnish Water to Industries and to Persons Outside the Corporate Limits by Eliminating the Three Mile Limitation Contained Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 11-1001, Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Authorization to furnish water within and outside corporate limits.

"11-1001. (5040.1) **Authorization of Cities and Towns to Furnish Water to Industries and to Persons Without City Limits — Rates — Penalty for Violations.** (1) The city or town council of any city or town within the State of Montana, that owns and operates a municipal water system, to furnish water to the inhabitants of such city or town, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system, to any factory, or other industry, located within the corporate limits of such city or town, or to any factory or other industry located *outside* the corporate limits of such city or town, at rates established for like use or service to the inhabitants or industries located inside the corporate limits of such city or town, provided that delivery of water by any such city or town to or for the use of any factory or other industry located outside the corporate limits of such city or town shall be made within, or at the boundary line of the corporate limits of such city or town except as hereinafter provided.

HeinOnline -- 1955 12 1955

Certain cities authorized to furnish water outside limits.

"(2) The city council of any city within the State of Montana, having a population of twenty-four thousand (24,000) or more according to the last government census, that owns and operates a municipal water system to furnish water to the inhabitants of such city, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system to the inhabitants or to any factory, industry or producer of farm or other products located *outside* of the corporate limits of such city, at such rates as to the said city council may seem just and equitable, and such city council is further empowered to make collections for furnishing water in the same manner as collections are made within the corporate limits.

Penalty for wilfully turning on water.

"(3) Any person, firm or corporation residing either inside or *outside* of the corporate limits of a city owning a municipal water system which furnishes water as a public utility, who shall wilfully turn on the water after the same shall have been shut off by or under the direction of the said city for nonpayment of water charges, or who shall unlawfully take water from such water system shall be guilty of a misdemeanor."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1955.

CHAPTER 7

An Act to Amend the Montana Uniform Drug Act to Transfer Administration of Said Act From the Secretary of the State Board of Health and From the State Board of Health to the Montana State Board of Pharmacy; and to Amend Said Act to Allow the Sale by Apothecaries of Narcotic Drugs Upon Oral Prescriptions by Physicians, Dentists or Veterinarians Where Allowed by the Federal Law and Regulations; to Amend Sections 54-101, 54-103, 54-104, 54-106, 54-109, 54-119, 54-124 of the Revised Codes of Montana of 1947 to Effectuate Said Purposes; to Provide an Effective Date for Said Act and to Repeal All Acts and Parts of Acts in Conflict Therewith.

HeinOnline -- 1955 13 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 54-101 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Terms defined.

"54-101. **Definitions, Words and Phrases.** The following words and phrases, as used in this act shall have the following meanings, unless the context otherwise requires:

(1) 'Person' includes any corporation, association, copartnership, or one or more individuals.

(2) 'Physician' means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) 'Dentist' means a person authorized by law to practice dentistry in this state.

(4) 'Veterinarian' means a person authorized by law to practice veterinary medicine in this state.

(5) 'Manufacturer' means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) 'Wholesaler' means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescription.

(7) 'Apothecary' means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) 'Hospital' means an institution for the care and treatment of the sick and injured, approved by the *Montana State Board of Pharmacy* as proper to be entrusted with the custody of narcotic drugs and the professional use

HeinOnline -- 1955 14 1955

of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) 'Laboratory' means a laboratory approved by the *Montana State Board of Pharmacy* as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) 'Sale' includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(11) 'Coca leaves' includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) 'Opium' includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

(13) 'Cannabis' includes all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(14) 'Narcotic drugs' means coca leaves, opium, cannabis, marihuana, Indian hemp, isonipecaine, amidone, isoamidone, keto-bemidone, and every substance neither chemically nor physically distinguishable from them; any other drugs to which the federal narcotic laws may now apply; and any drug found by the state board of health, after reasonable notice and opportunity for hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the effective date of determination of such finding by said state board of health.

(15) 'Isonipecaine' means any substance identified

HeinOnline -- 1955 15 1955

chemically as 1 - methyl - 4 - phenyl - piperidine - 4 - carboxylic acid ethyl ester, or any salt thereof by whatever trade name designated.

(16) 'Amidone' means any substance identified chemically as (4 - 4 - diphenyl - 6 - dimethylamino - heptanone - 3), or any salt thereof, by whatever trade name designated.

(17) 'Isoamidone' means any substance identified chemically as (4 - 4 - dyphenyl - 5 - methyl - 6 - dimethylamino - hexanone - 3), or any salt thereof, by whatever trade name designated.

(18) 'Keto - bemidone' means any substance identified chemically as [4 - (3 - hydroxyphenyl) - 1 - methyl - 4 - piper - idyl ethyl ketone hydrochloride] or any salt thereof, by whatever trade name designated.

(19) 'Federal Narcotic Laws' means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(20) 'Official written order' means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the *Montana State Board of Pharmacy.*

(21) 'Dispense' includes distribute, leave with, give away, dispose of, or deliver.

(22) 'Registry number' means the number assigned to each person registered under the federal narcotic laws.''

Amending clause.

Section 2. That section 54-103 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Dealing with narcotic drugs—license required, from Montana State Board of Pharmacy.

''54-103. **Manufacturers and Wholesalers.** No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the *Montana State Board of Pharmacy.*''

Amending clause.

Section 3. That section 54-104 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 16 1955

"54-104. **Qualification for Licenses.** No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the *Montana State Board of Pharmacy*: Qualifications for license.

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five (5) years been convicted of a willful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict. The *Montana State Board of Pharmacy* may suspend or revoke any license for cause." Power to revoke or suspend.

Section 4. That section 54-106 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows: Amending clause.

"54-106. **Sales by Apothecaries.** (1) An apothecary, in good faith, may dispense and sell narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two (2) years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. The prescription shall not be refilled. Sales on prescription requirements.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, Sale on discontinuance of business.

HeinOnline -- 1955 17 1955

may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

Sale to physician, dentist, veterinarian.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent (20%) of the complete solution to be used for medical purposes."

Sale on oral order when federal law permits.

(4) Whenever any narcotic drug is permitted to be sold without a written order under the federal law and regulations, it shall be deemed a compliance with the subsection if the apothecary dispenses and sells narcotic drugs upon a prescription given orally by a physician, dentist or veterinarian, if in so doing the federal law and regulations relating to the dispensing and sale of narcotic drugs when prescribed orally are complied with by all parties to the transaction.

Amending clause.

Section 5. That section 54-109 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Record required to be kept.

"54-109. **Record to be Kept.** (1) Physicians, dentists, veterinarians, and other authorized persons. Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

Exception.

"Provided: That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight (48) consecutive hours, (a) four (4) grains of opium, or (b) one-half (½) of a grain of

HeinOnline -- 1955 18 1955

morphine or any of its salts, or (c) two (2) grains of codeine or of any of its salts, or (d) one-fourth (¼) of a grain of heroin or of any of its salts, or (e) one (1) grain of extract of cannabis or one (1) grain of any more potent derivative or preparation of cannabis, or (f) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

Records by manufacturers and wholesalers.

"(2) Manufacturers and wholesalers. Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

Records by apothecaries.

"(3) Apothecaries. Apothecaries shall keep records of all narcotic drugs received and disposed of by them in accordance with the provisions of subsection 5 of this section.

Records of exempted narcotic drug preparations.

"(4) Vendors of exempted preparations. Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 54-108, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection 5 of this section.

Form and content of records.

"(5) Form and preservation of records. The form of records shall be prescribed by the *Montana State Board of Pharmacy*. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced; and the proportion of resin contained in or producible from the dried flowering or fruiting tops of the pistillate plant Cannabis Sativa L., from which the resin has not been extracted, received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to

HeinOnline -- 1955 19 1955

whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two (2) years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft."

Amending clause.

Section 6. That section 54-119 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Forfeiture of drugs.

"54-119. **Narcotic Drugs to be Delivered to State, Official, etc.** All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

Disposition by court—destruction.

"(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

May deliver to Montana State Board of Pharmacy.

"(b) Upon written application by the *Montana State Board of Pharmacy,* the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives to said *Montana State Board of Pharmacy* for distribution or destruction, as hereinafter provided.

State Board, disposition of seized drugs.

"(c) Upon application by any hospital within this state, not operated for private gain, the *Montana State Board of Pharmacy* may in *its* discretion deliver any narcotic drugs that have come into *its* custody by authority of this section to the applicant for medicinal use. The *Montana State Board of Pharmacy* may from time to time

HeinOnline -- 1955 20 1955

deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics, or may destroy the same.

"(d) The *Montana State Board of Pharmacy* shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws." State Board, records required.

Section 7. That section 54-124 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows: Amending clause.

"54-124. **Enforcement and Cooperation.** It is hereby made the duty of the *Montana State Board of Pharmacy,* its officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all county attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs." Enforcement of act.

Section 8. This act shall be in full force and effect upon its passage and approval. Effective immediately.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 1, 1955.

CHAPTER 8

An Act to Approve and Legalize and Adopt as Prima Facie the Laws of Montana the Replacement Volumes Number 3 and Number 4 of the Revised Codes of Montana of 1947, as Published by the Publishers and Distributors of Said Codes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That replacement volumes number 3 and number 4 of the Revised Codes of Montana of 1947, as published by the publishers and distributors of said Revised Revised Codes, adoption of replacement volumes 3 and 4.

HeinOnline -- 1955 21 1955

Codes of Montana of 1947, are hereby, as to both form and substance, approved, legalized and adopted as prima facie the laws of Montana now in force and effect with respect to the titles and subjects covered thereby. The sections of said replacement volumes may be cited as sections of the Revised Codes of Montana of 1947 without reference to the session laws which enacted new matter or to the session laws which have amended the sections of the Revised Codes of Montana of 1947, as included in the original compilation of the Revised Codes of Montana of 1947.

Saving clause, errors or omissions not to invalidate act or law.

Section 2. Nothing herein contained shall be deemed as invalidating or in any manner affecting the legality of any act or thing heretofore or hereafter done by authority of any enactment which is not included in said replacement volumes and nothing herein contained shall affect the existence, validity, or enforcement of any act, enactment, or title thereof, statute, or code section, omitted from, or erroneously, or incorrectly set forth in said replacement volumes.

Effective immediately.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved February 1, 1955.

CHAPTER 9

An Act to Provide for the Operation of Temporary and Emergency War and Veterans' Housing Facilities by Local Agencies.

Reasons for enactment.

WHEREAS, the thirty-second legislative assembly of the State of Montana in the year 1951 did enact into law chapter 41 of the session laws of said assembly providing for the acquisition and operation of temporary and emergency war and veterans' housing facilities by local agencies, and

WHEREAS, by the terms and provisions of chapter 41 of the session laws of 1951, it is provided that in no event shall housing facilities be operated and maintained by any local agency after the first day of May, 1955, and

WHEREAS, if permitted to expire, great hardship will result to veterans and their families now unable to find other accommodations.

HeinOnline -- 1955 22 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Declaration of housing shortage.

Section 1. It is hereby declared that there exists a housing shortage in the State of Montana. That of the hundreds of veterans dismissed from the military service, many of such veterans and other persons are still unable to find adequate housing for themselves or their families, and by reason thereof are being compelled to live in unsafe, unsanitary and congested dwellings. That by virtue of the housing act of 1950, being title II, chapter 94, public law 475 of the laws of the eighty-first congress second session, war and veterans' housing projects constructed in the State of Montana by federal government will be destroyed and removed unless otherwise provided for. That the adoption of this act will enable many veterans and their families to maintain their status in the community and conduct their employment without worry as to the health, sanitary conditions and welfare of their families.

Terms defined.

Section 2. The following terms, whenever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Local Agency" means any county, city, town, school district, or housing authority of the state.

(2) "Housing" means any temporary war or veterans' housing acquired from the United States of America under the terms and provisions of the housing act of 1950, being title II, chapter 94, public law 475, of the laws of the eighty-first congress, second session, for the purpose of providing temporary housing for veterans and for families of servicemen, located within the boundaries of any local agency.

(3) "Veterans" includes, insofar as permitted by federal law, any person who has served in the military or naval forces of the United States and has been discharged or released therefrom under conditions other than dishonorable.

(4) "Families of Servicemen" includes, insofar as permitted by federal law, the families of any person who is serving in the military or naval forces of the United States, and the unmarried widow of a deceased veteran.

HeinOnline -- 1955 23 1955

(5) "Families" is limited to the spouse and legal dependents who are members of the household.

Empowering local agencies to operate housing facilities.

Section 3. For the purpose of this act, any local agency may expend or use its funds and employ its personnel to do anything necessary to maintain housing acquired under the terms of the Federal Public Housing Act of 1950, and may remodel, repair, or remove and re-erect such housing facilities, but shall not erect or construct new housing facilities. The local agency may also provide for the installation of necessary appurtenances and utilities. For the purposes of this act, any local agency may enter into agreements with the federal government pursuant to the Housing Act of 1950.

Manner of administering housing facility.

Section 4. The local agency shall administer any housing facility acquired pursuant to this act and shall let or lease accommodations therein to veterans and families of servicemen upon such terms and for such rentals as is reasonable, but in such manner as to secure, insofar as practical, a return of the investments made by it; provided, however, that before any return of investments in such housing shall accrue to any housing authority there shall first be paid to any state and/or political sub-division thereof, annual sums in lieu of taxes which amounts so paid for any year, upon such property, shall not exceed the taxes which would be paid to the state and/or subdivision thereof, as the case may be, upon such property if it were not exempt from taxation, with such further allowances as may be considered to be appropriate for expenditures by the government for streets, utilities or other public services to serve such property.

Payment in lieu of taxes.

Section 5. In providing housing for veterans and other families, single veterans, and families of servicemen, pursuant to the provisions of this act, a housing authority shall not be subject to any of the provisions of the Housing Authority Law relating to rentals and tenant selection.

Validating previous operations.

Section 6. Any and all contracts, undertakings, and commitments, together with acts and proceedings in respect thereto, heretofore done or undertaken by any local agency for the provisions of housing for veterans and their families or single veterans and families of servicemen are hereby validated and declared legal.

Termination of operation.

Section 7. The operation and maintenance of any hous-

HeinOnline -- 1955 24 1955

ing facility acquired pursuant to this act may be terminated at any time if consistent with the terms of the federal act under which it was acquired, or if the legislature determines that the necessity therefor no longer exists, but in no event shall such housing facility be operated and maintained by any local agency after the first day of May, 1959.

Liquidation, conditions.

When any housing facility is discontinued, in whole or in part, it shall be liquidated in such manner as will secure the greatest return to the local agency; provided, however, that any lands acquired under this act may be retained by the local agency. The term "liquidated" as used in this section, insofar as the same pertains to any temporary housing facility dwelling structures, shall mean and include dismantling, and disposal thereof by the local agency for purposes other than a dwelling place for human beings.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1955.

CHAPTER 10

An Act to Amend Section 4 of Chapter 168 of the Laws of 1953 Relating to Recommendation of Tax Levy on Cattle by County Livestock Protective Committee.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4 of chapter 168 of the laws of 1953, be, and the same is hereby amended to read as follows:

May recommend county levy on assessable cattle.

"Section 4. Said county livestock protective committee may recommend to the board of county commissioners the levy of a tax in an amount not to exceed twenty-five cents (25¢) per head on all *assessable* cattle in the county on the first Monday of March and the board of county commissioners shall thereupon be empowered to levy such tax, to be collected as other taxes on personal property, and when collected to be deposited by the county treasurer in a special fund to be known as the stockmen's special deputy

HeinOnline -- 1955 25 1955

fund, together with any other funds made available from county, state, federal or private sources for the purposes of this act."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1955.

CHAPTER 11

An Act to Amend Section 60-125, Revised Codes of Montana, 1947, Relating to the Oil and Gas Conservation Commission, Members, Term, Oath, Seal, and Employees; Providing Compensation for Members of the Commission for Their Official Services; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 60-125, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Creation of commission.

"60-125. **Oil and Gas Conservation Commission — Members — Term — Oath — Seal — Employees.** A. There is hereby created the oil and gas conservation commission of the State of Montana.

Composition and term.

"B. The oil and gas conservation commission of the State of Montana shall be composed of five (5) persons to be appointed by the governor, with the concurrence of the state senate. That of the commissioners, two (2) and not more than two (2) will be appointed for a period of two (2) years, and they shall be from industry. One (1) nonindustry man shall be appointed for three (3) years and one for four (4) years and one (1) for five (5) years. At the expiration of the term of the two (2) industry men, the appointment of their successors shall be for four (4) and five (5) years respectively, after which all vacancies shall be filled for five (5) year terms. All appointed members of the commission shall be subject to removal by the governor for cause at any time. In case of a vacancy in

Removal and vacancy.

HeinOnline -- 1955 26 1955

the office of a member of the commission, an appointment shall be made to fill such vacancy in the manner prescribed by the constitution of the State of Montana.

"C. Persons appointed as members of the commission shall have been bona fide residents of the State of Montana for at least one (1) year before such appointment, and the two (2) industry members, shall have had at least three (3) years' experience in the production of oil or gas. Residence required.

"D. Each member appointed to the commission and each person appointed to office by the said commission before entering upon the duties of his office shall take and subscribe to the oath specified in section 1, article 19, of the constitution of the State of Montana and such oaths shall be filed in the office of the secretary of state. Prescribed oath.

"E. The commission shall have a seal with the words engraved thereon: 'Oil and gas conservation commission of Montana,' and such seal shall be affixed to all writs, authentication of records or other official proceedings of the commission. The courts of this state take judicial notice of such seal. Seal provided.

"F. The commission shall appoint an executive secretary and may employ such other persons as experts, geologists, petroleum engineers, attorneys, assistants, field supervisors, clerks and stenographers and may acquire such personal property as may be necessary to perform the duties that may be required of it, and fix the compensation of the executive secretary and employees. *Each member of the commission shall receive, as compensation for his services, the sum of fifteen dollars ($15.00) per day for each day actually engaged in the performance of the duties of his office, including time of travel between his home and the place at which he performs such duties, together with transportation and per diem expenses as provided by law in the discharge of said duties;* provided, however, that the total expenditures of such commission shall not exceed in the aggregate during any fiscal year, the amount actually collected under the provisions of section 60-145, plus any amount appropriated for that purpose, or otherwise accruing to said fund." Secretary and personnel. Members' expense and per diem allowed.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

HeinOnline -- 1955 27 1955

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1955.

CHAPTER 12

An Act to Amend Section 15-504, Revised Codes of Montana, 1947, Relating to the Representation and Voting of Stockholders at Meetings, Elections or Votes of Corporations to Extend the Time for Closing the Corporation Stock Transfer Books Preceding the Date of Any Meeting, Election or Vote, and, in Lieu of Closing the Stock Transfer Books, to Extend the Time Preceding the Date of Any Meeting, Election or Vote in Which to Fix in Advance a Date as a record date for the Determination of Stockholders Entitled to Notice Thereof and to Vote Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 15-504, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Majority of voting stock must be represented, except as by laws provide.

"15-504. (5946) **Majority of Voting Stock Must be Represented.** (1) Except as hereinafter provided, at all meetings, elections or votes of any corporation heretofore or hereafter organized under any of the laws of Montana, whether formed and existing before or after the taking effect of the codes on July 1, 1895, had for any purpose, there must be a majority of the outstanding capital stock of the corporation, entitled under the articles of incorporation, and the amendments thereto and the laws and constitution of Montana to vote at such meeting, election or vote, or a majority of the members, represented either in person or by proxy, in writing; provided that any corporation heretofore organized under any of the laws of Montana, whether formed and existing before or after the taking effect of the codes on July 1, 1895, or that may hereafter be formed under this chapter, may by its bylaws prescribe the proportion of its outstanding capital stock entitled to vote, as hereinbefore provided, or of its members, represented in person or by proxy, which shall constitute a quorum at any regular annual meeting of such

HeinOnline -- 1955 28 1955

corporation, held at the time and place prescribed in its bylaws, for the election of directors, and for all votes upon matters properly coming before such annual meeting without special notice thereof.

Each share entitled may vote, except transferred within 10 days preceding election.

"(2) Each share of stock entitled under the articles of incorporation, or amendments thereto and the laws and constitution of Montana, to be voted, may, at every meeting of the stockholders, be voted by the holder of record thereof on the books of the corporation, or proxy, and except where the transfer books of the corporation shall have been closed, or a date shall have been fixed as a record date for the determination of its stockholders entitled to vote, as hereinafter provided, no share of stock shall be voted on at any election of directors which shall have been transferred on the books of the corporation within ten (10) days next preceding such election of directors. The board of directors shall have power to close the stock transfer books of the corporation for a period not exceeding *sixty (60)* days preceding the date of any meeting of stockholders or election or vote; provided, however, that in lieu of closing the stock transfer books as aforesaid, the bylaws may fix or authorize the board of directors to fix in advance a date, not exceeding *sixty (60)* days preceding the date of any meeting of stockholders, election or vote, as a record date for the determination of the stockholders entitled to notice of and to vote at any such meeting, election or vote, and in such case such stockholders, and only such stockholders, as shall be stockholders of record on the date so fixed of stock entitled to vote as aforesaid, shall be entitled to such notice of and to vote at such meeting, election or vote, notwithstanding any transfer of any stock on the books of the corporation after any such record date fixed as aforesaid.

Directors may close books 60 days prior to a meeting.

Vote had otherwise voidable by petition.

"(3) Any vote or election had other than in accordance with the provisions of this article is voidable at the instance of any stockholders entitled to be represented and vote, or members, and may be set aside by petition to the district court of the county where the same was held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time. If for any reason there is not present a quorum as hereinbefore provided, of the outstanding stock entitled to vote, or members, or no election had, the stockholders or members present or represented may adjourn, and such adjournment and

HeinOnline -- 1955 29 1955

the reasons therefor shall be recorded in the journal of the proceedings of the meetings of stockholders."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1955.

CHAPTER 13

An Act to Amend Section 15-205 of the Revised Codes of Montana of 1947, and Section 15-206 of the Revised Codes of Montana of 1947, Relating to the Organization of Stockholders' Meetings for the Purpose of Amending Articles of Incorporation, the Number of Stockholders to be Present, the Manner and Number of Stockholders Voting, the Preparation and Filing of a Certificate of Proceedings, Providing for the Effective Date of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 15-205 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

May amend articles by a majority of stock at a meeting.

"15-205. (5922) **Organization of Meeting — Voting.** If at the time and place of said meeting, as specified in said notice, stockholders of said corporation shall appear in person or by proxy in number representing *a majority* of the capital stock of the corporation outstanding and entitled to vote under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, including such proportion of each or any class of stock, as may be required by the original or amended articles of incorporation, or *a majority* of the members, in case such corporation has no capital stock, the meeting shall organize by choosing a chairman and secretary and the meeting shall then proceed to vote upon the matter or matters proposed in said notice."

Amending clause.

Section 2. That section 15-206 of the Revised Codes of

HeinOnline -- 1955 30 1955

Montana of 1947 be, and the same is hereby amended to read as follows:

Certificate of proceedings if a majority of stock or members favor change.

"15-206. (5923) **Certificate of Proceedings — Preparation and Filing.** If, on canvassing the votes, it shall appear that at least *a majority* of the capital stock of such corporation outstanding and entitled to vote under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, including such proportion of each or any class of stock, as may be required by the original or amended articles of incorporation, or *a majority* of the members, in case such corporation has no capital stock, have voted in favor of the proposition submitted, a certificate of the proceedings showing in all cases a compliance with the provisions of this act, containing a copy of the resolution adopted and showing the vote thereon, and the number of shares of stock of each class voted thereon, shall be made out, signed and verified by the affidavit of the chairman of such meeting, and countersigned by the secretary of the meeting, and shall be filed in the office of the county clerk of the county where the original articles of incorporation of such corporation were filed, and a copy thereof, certified by such county clerk shall be filed in the office of the secretary of state. A copy of such certificate shall likewise be filed in the office of the county clerk and recorder of any county to which said corporation may have changed its place of business."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1955.

CHAPTER 14

An Act to Amend Section 11-717 of the Revised Codes of Montana, 1947, Relating to Election Judges and Clerks and Voting Places in Elections in Cities and Towns, by Omitting Provisions Restricting Size of Precincts Where Voting Machines Are Used; and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval.

HeinOnline -- 1955 31 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-717 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Voting places, how arranged.

"11-717. **Election Judges and Clerks — Voting Places.** The council or other governing body must appoint judges and clerks of election, and places of voting. Where the city or town is divided into wards there must be at least one (1) voting place in each ward and there may be as many more as the council or other governing body shall fix, and the elector must vote in the ward in which he resides. In cities and towns divided into wards the election precincts must correspond with the wards, but a ward may be subdivided into several voting precincts, and when so divided the elector shall vote in the precinct in which he resides. In cities and towns operating under the commission, or the commission-manager plan of municipal government, where there are no wards for election purposes and the officers of the city or town are elected at large, the election precincts shall correspond with the election precincts in such city or town as fixed by the board of county commissioners for state and county elections, but such precincts may be by the city commission divided into as many voting precincts, to facilitate the voting and counting of the vote, as the city commission shall by ordinance provide, and the elector shall vote in the voting precinct so designated, in which he resides. For all municipal elections the city council or other governing body may appoint a second or additional board of election judges for any voting precinct in which there were cast three hundred and fifty (350) or more votes in the last general city election or in which council or other governing body believes as many as three hundred and fifty (350) ballots will be cast in the next general city election, and such additional board of election judges shall have the same powers and duties, and under the same conditions, as the second or additional board of election judges for general elections appointed by boards of county commissioners under the provisions of section 23-601. Provided that in municipal corporations of less than one thousand five hundred (1,500) population, as determined by the last official census, the council or other governing body may by ordinance provide that there shall be but one polling or voting place for municipal elections, notwith-

Omitting limitations where voting machines used.

HeinOnline -- 1955 32 1955

standing the number of wards or precincts in the municipality otherwise provided for. All municipal elections must be conducted in accordance with the general laws of the State of Montana relating to such election."

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved February 5, 1955.

CHAPTER 15

An Act Providing for the State Highway Commission to Enter Into Agreements with the Federal Government, or Any State or Group of States, or Agencies Thereof, or Any Non-profit Association, on a Joint or Cooperative Basis, to Study, Analyze, or Test the Effects of Weights on Highway Construction; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state highway commission is authorized to make and enter into agreements with the federal government or any state or group of states, or agencies thereof, or any non-profit association, on a joint or cooperative basis, to study, analyze, or test the effects of weights on highway construction. Such studies or tests may be made either by designating existing highway or the construction of test strips, including natural resource roads, to the end that a proper solution of the many problems connected with the imposition on highways of motor vehicle weights may be determined. Empowering highway commission to make joint studies of highway weights.

Such studies may determine the determination of values to be assigned various highway-user groups according to their gross weight or use.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved February 5, 1955.

HeinOnline -- 1955 33 1955

CHAPTER 16

An Act to Amend Section 11-404 of the Revised Codes of Montana, 1947; Relating to Tracts or Parcels of Land to be Annexed to a City or Town, Under the Provisions of Section 11-403, Revised Codes of Montana, 1947; Providing That Such Tracts or Parcels of Land to be Annexed Shall be Deemed Contiguous to Such City or Town, Even Though Separated From Such City or Town by a Street or other Roadway, Irrigation Ditch, Drainage Ditch, Stream, River, or a Strip of Unplatted Land Too Narrow or Too Small to be Platted.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

That section 11-404 of the Revised Codes of Montana for 1947 be, and the same is hereby amended to read as follows:

Annexation, "contiguous" construed.

Section 1. 11-404. That tracts or parcels of land, proposed to be annexed to a city or town, under the provision of section 11-403, Revised Codes of the State of Montana, 1947, shall be deemed contiguous to such city or town, even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, *stream, river,* or a strip of unplatted land too narrow or too small to be platted.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1955.

CHAPTER 17

An Act to Exempt Aviation Gasoline Used in Aircraft From the Gasoline Dealers' License Tax Except the Portion Thereof Allocated to the State Aviation Fund and Providing Penalties for False Statements in Connection With Claims for Exemption, and Amending Sections 84-1801, 84-1802, 84-1818 and 84-1819, Revised Codes of Montana, 1947, as Now Amended, and Repealing All Acts or Parts of Acts in Conflict Herewith.

HeinOnline -- 1955 34 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-1801, Revised Codes of Montana, 1947, as now amended by section 1, chapter 52, session laws of 1951, be, and the same is hereby amended to read as follows:

Definitions—"gasoline,"

"84-1801. (2381.11) **Definitions.** As used in this Act, the following definitions shall apply:

(1) The word 'gasoline' means:

(a) The volatile substance produced from petroleum, natural gas, oil shales or coal heretofore sold under the name of 'gasoline,' and sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

(b) Any other volatile product or substance of not less than forty-six degrees (46°) Taglianbes-Baume test sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

(c) Any other volatile substance, of less than forty-six degrees (46°) Taglianbes-Baume test, when actually sold or used to produce motor power to propel motor vehicles upon public highways or street within the State of Montana; provided that the lawful tax on the kind of gasoline as defined by this subsection (1-c) shall be collected from the owners or operators of motor vehicles by the State board of equalization under the provisions of rules and regulations issued by said board.

(2) The word 'person' means any person, firm, association, joint stock company, syndicate or corporation.

(3) The words 'motor vehicle' means all vehicles operated or propelled upon the public highways or streets of this state, in whole or in part by the combustion of gasoline.

(4) The word 'use' shall include and mean the operation of motor vehicles upon the public roads or highways of the State of Montana, or of any political subdivision thereof.

(5) The word 'import' shall include and mean to receive into any person's possession or custody first after its arrival and coming to rest at destination within the

HeinOnline -- 1955 35 1955

State of Montana of any gasoline shipped or transported into this state from point of origin without this state.

(6) The word 'handle' means to produce, refine, manufacture or compound gasoline for sale or use; or to import gasoline into the State of Montana or to purchase gasoline within the State of Montana for sale or for use, upon which the license tax herein imposed has not been paid.

(7) The word 'dealer' means and includes any person who engages in the business in the State of Montana of producing, refining, manufacturing or compounding gasoline for sale or use; or of importing gasoline into the State of Montana or purchasing gasoline within the State of Montana for sale or use. Such gasoline, for the purpose of this act, shall be deemed to be 'handled' by such dealer.

"Aviation gasoline."

(8) The words 'aviation gasoline' mean gasoline compounded for use in and sold for use in aircraft and meeting or exceeding the minimum specifications prescribed by the United States for use by its military forces in aircraft.''

Amending clause.

Section 2. That section 84-1802, Revised Codes of Montana, 1947, as now amended by section 1, chapter 217, session laws of 1953, be, and is hereby amended to read as follows:

Dealers' statements, when made,

''84-1802. (2381.12) **Dealers' Statements — Amount of Tax** — *Aviation Gasoline Tax Exemption Certificates.*

(1) Each dealer shall, not later than the twenty-fifth (25th) day of each calendar month after this act has become effective, render a true statement to the state board of equalization, duly signed and sworn to, of all gasoline handled by him in this state during the preceding calendar month, and containing such other information as the state board of equalization may require, and shall accompany such statement with the payment to the state board of equalization of a license tax, in an amount equal to the lawful tax per gallon imposed by section 10, of chapter 39, of the laws of the twenty-ninth legislative assembly of the State of Montana of 1945, and acts amendatory, or such other lawful tax as may be imposed by law for each gallon of gasoline so handled, and upon which such license tax was not paid by any other dealer in this state, for engaging in and carrying on such business in this state. In making the computation of license tax due and in making

HeinOnline -- 1955 36 1955

payment thereof, two per centum (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer. *In addition, a dealer may deduct for each gallon of aviation gasoline sold by him and for which he submits a valid aviation gasoline tax exemption certificate, an amount equal to the tax per gallon except the portion thereof allocated to the state aviation fund by section 1-501, Revised Codes of Montana, 1947, as amended by section 1 of chapter 120, session laws of 1949.*

Amount.

Deduction for aviation gasoline sold.

Any dealer engaged in or carrying on his business at more than one (1) place or location in this state may include all such places of business in one statement.

(2) Any dealer at an established airport, who purchases aviation gasoline for resale directly to consumers using such gasoline in aircraft, or any consumer who purchases such gasoline in lots of not less than fifty (50) gallons for use in aircraft and not for resale and who purchases from a dealer other than at an established airport, may apply to the state board of equalization for a permit to issue aviation gasoline tax exemption certificates. The application for a permit, the permit itself, and any exemption certificates issued pursuant thereto shall all be in such form and shall contain such information as the board may from time to time require. The board may require the payment of a fee of not to exceed $5.00 for each permit issued and may provide that said permits shall be valid for a period not exceeding five years. No permit shall be transferable. The permit shall be subject to revocation at any time by the board for any violation of law relating thereto or any false statement made by the holder in connection therewith.

Permits for aviation gas tax exemption certificates, dealer may obtain.

Fee provided.

So long as his permit remains unrevoked, the holder thereof shall have the privilege to purchase aviation gasoline from any dealer without the payment of any part of the license tax, imposed by this section, except the part allocated to the state aviation fund, upon surrendering to the seller an aviation gasoline tax exemption certificate certifying, if the holder is a dealer at an established airport, that the gasoline purchased will be resold only to consumers for use directly in aircraft, and if the holder is a consumer purchasing from a dealer other than at an established airport and the purchase is 50 gallons or more, that the

Provisions governing permit use.

HeinOnline -- 1955 37 1955

gasoline is purchased for use directly in aircraft and not for resale; and any dealer who sells aviation gasoline either directly to the holder of such a permit and who receives a valid certificate directly from the permit holder covering that sale, or who sells to another dealer who surrenders valid certificates held by him covering prior sales, shall be under no liability or obligation to collect or pay the tax, on the number of gallons covered by such certificates, except the portion thereof allocated to the state aviation fund; but notwithstanding any other provision to the contrary, no tax exemption certificate shall be valid for any purpose nor entitle any dealer to the deduction authorized in subsection (1) of this section unless submitted to the board prior to the end of the second calendar month immediately succeeding the month in which the sale was made with respect to which such certificate issued."

Amending clause.

Section 3. That section 84-1818, Revised Codes of Montana, 1947, as amended by section 1, chapter 221, laws of 1953, be, and is hereby amended to read as follows:

Gas refund, procedure, who entitled.

"84-1818. (2396.4) **Refund of Gasoline License Tax — Procedure.**

(1) Any person who shall purchase and use any gasoline, with reference to which there has been paid into the treasury of the State of Montana, under the laws of this state licensing dealers in gasoline, a state gallonage tax, for the purpose of operating or propelling stationary gas engines, tractors used for purposes other than on the public highways or streets of this state, motor boats, aeroplanes or aircraft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state, and who has paid said tax either directly to the State of Montana or indirectly as a part of the purchase price of said gasoline, shall be allowed and paid as a refund or drawback an amount of money equal to the unit state gallonage tax, multiplied by the number of gallons of gasoline so purchased and used, provided that counties, incorporated cities, towns and school districts of this state shall be entitled to said refund or drawback of said tax by any such county, city, town or school district upon gasoline used by it in the performance of any of its governmental and proprietary functions, or either, imposed or authorized by law, including construc-

HeinOnline -- 1955 38 1955

tion, maintenance and repair of all roads, highways and public places within the county limits and all streets, avenues, alleys and other public places within the corporate limits of such city or town; provided, that such refund or drawback shall in no instance exceed the total amount of the tax paid or to be paid, to the State of Montana, upon presenting to the board of equalization of the State of Montana, within the time allowed by law, a sworn statement, accompanied by the invoice or invoices issued to the claimant at the time of purchase of such gasoline showing such purchase and use, which statement shall set forth in words and figures, the total amount of the gasoline so purchased, and the purpose for which the same was actually used, the amount of the tax and such additional information as may be required by said board on forms to be furnished by them.

Time limits for applications, investigations.

(2) All such applications for refunds or drawbacks shall be filed with the board of equalization of the State of Montana within eight (8) months after the date on which such gasoline was purchased as shown by such invoices. The said board shall have one hundred twenty (120) days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct and is approved by said board and the state board of examiners, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim and same shall be paid out of the gasoline license tax drawback fund in the same manner as other claims against the state are paid. Such refund or drawbacks shall be made only to, and on the application of, the actual purchaser and user of the gasoline upon which refund is claimed and the burden of establishing the validity of the claim rests upon the claimant.

Procedure for payment.

Power of board, mistakes or fraud.

(3) Should the board of equalization, after investigation, find that the statement so made by said consumer contains errors which, in the opinion of the board were not inserted for the purpose of fraud, it may correct the statement and approve the same as corrected whereupon warrant shall issue, after approval by the state board of examiners, as above provided, or the board may, in its discretion, require the claimant to file an amended statement before action is taken thereon. If, upon investigation, it shall be determined by the state board of equalization

HeinOnline -- 1955 39 1955

that any claim has been fraudulently presented or is supported, as to any item therein by invoice or invoices fraudulently made or altered in any manner, or that any statement in the claim contained or the affidavit thereto, is wilfully false in any particular and so made for the purpose of misleading said board, the board may reject such claim in toto.

Applications.

(4) Any person desiring to claim refund on gasoline purchased shall obtain from the state board of equalization a permit by application therefor, on such form as the board shall prescribe, which application shall be made under oath and shall contain, among other things, the name, address and occupation of the applicant, the nature of the business, and a sufficient description for identification of the machines or equipment in which the taxable motor fuel is to be used for which refund may be claimed under such permit.

Permits, fee, renewal.

(5) Each permit issued shall bear a permit number and each claim filed shall bear the permit number of the claimant. It shall be the duty of the state board of equalization to keep a record of all permits issued and a cumulative record of refund claimed and paid thereunder.

A fee of one dollar ($1.00) shall be collected from each person to whom a refund permit is issued after July 1, 1953. No refund shall be paid to any person after July 1, 1953, unless said person has first secured a refund permit and paid said fee. The refund permit must be renewed and the license fee paid every five years from the date of issuance.

Suspension of permit.

(6) Whenever a claim shall be rejected, as herein provided, the state board of equalization may suspend the claimant's permit, for a period not exceeding one year, and no claim shall thereafter be approved or allowed for refund on any gasoline purchased by such claimant during such period of suspension.

State subdivisions—form and procedure.

(7) All of the subdivisions of the state mentioned herein shall be subject to all of the conditions, rules and regulations applicable to individuals and as such subdivisions can act only by their officers and agents in presenting claims for refund they shall be responsible for and bound by the acts and declarations of such officers and agents.

HeinOnline -- 1955 40 1955

(8) When gasoline is sold to a person who shall claim to be entitled to a refund of the tax imposed, the seller of such gasoline shall make and deliver at the time of such sale separate invoices for each purchase on invoice forms approved by the state board of equalization showing the name and address of the seller and the name and address of the purchaser, the number of gallons of gasoline so sold in words and figures and the date of such purchase, *and whether an aviation gasoline tax exemption certificate has been issued with respect to such sale,* which invoice, attached to the claim presented shall be the only proof upon which a legal claim can be made for a refund based upon such purchase, *and no refund shall be allowed on any sale with respect to which an aviation gasoline tax exemption certificate has been issued;* provided, however, that in case the separate invoice delivered to the purchaser at the time of sale be destroyed by fire or tornado or flood or other catastrophe beyond his control he may make claim to the board of equalization for such refund, supporting the same by affidavit and such evidence as may be required by the board, including an actual duplicate carbon copy of the original invoice or invoices. If the board be satisfied as to the sufficiency of the claim and supporting evidence, proper refund shall be made six (6) months thereafter. Except where surrendered to the purchaser for such purpose, the seller shall retain the duplicate original invoices for the period of one year from and after the date of issuance, during which period they shall be open to inspection by the state board of equalization and its agents. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof."

Separate invoice required.

To state if aviation gas certificate issued.

Section 4. That section 84-1819, Revised Codes of Montana, 1947, be, and is hereby amended to read as follows:

"84-1819. (2396.5) **Penalty for False Statements, Unlawfully Obtaining Refunds,** *or Unlawful Use of Aviation Gasoline Tax Exemption Certificates.*

Penalties.

Any person

(a) who shall make any false statement in connection with the application for such refund or who shall collect or cause to be repaid to him, or to any other person, any such refund without being entitled to the same under the provisions of this act, *or*

HeinOnline -- 1955 41 1955

(b) who shall make any false statement in any application for a permit to issue aviation gasoline tax exemption certificates or in any such certificate issued by him, or who shall use any aviation gasoline for which such a certificate has been issued otherwise than in aircraft, or who shall collect that part of the tax, not allocated to the state aviation fund, in connection with a sale covered by a valid certificate shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed the sum of one thousand dollars ($1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment."

Repealing clause.

Section 5. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved February 8, 1955.

CHAPTER 18

An Act to Amend Section 93-302, Revised Codes of Montana, 1947, Relating to the Number of Judges in Each of the Judicial Districts, and Providing for Three Judges in the Thirteenth Judicial District, and Providing for the Appointment of a Third Judge for Said District, and for the Repeal of All Laws in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 93-302, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Number of district judges.

"93-302 (8813) **Number of Judges.** In each judicial district there must be the following number of judges of the district court, who must be elected by the qualified voters of the district, and whose term of office must be four (4) years, to-wit: In the first, second, fourth, eighth, and sixteenth, two judges each, *in the thirteenth, three judges* and, in all other districts, one judge each.

Additional judge in thirteenth district.

Appointment of Judge. That, on or before July 1, 1955, the governor of this state shall designate and appoint a judge of the said thirteenth judicial district who shall hold office until the next general election and until his successor is elected and qualified."

HeinOnline -- 1955 42 1955

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. The provisions of this act shall be in full force and effect immediately upon its passage and approval. Effective immediately.

Approved February 11, 1955.

CHAPTER 19

An Act to Amend Section 23-912, Revised Codes of Montana, 1947, Relating to the Time for Filing Petitions for Nominations and Providing That Offices to be Voted for in Only One County, District, or City Shall be Filed With the County Clerk or City Clerk Not Less Than Forty (40) Days Before the Date of the Primary Nominating Election; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 23-912, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"23-912. (644) **Time for Filing Petitions for Nominations.** All petitions for nomination under this act for offices to be filled by the state at large or by any district consisting of more than one *(1)* county, and nominating petitions for judges of district courts in districts consisting of a single county, shall be filed in the office of the secretary of state not less than forty *(40)* days before the date of the primary nominating election; and for other offices to be voted for in only one *(1)* county, or district or city, every such petition shall be filed with county clerk or city clerk as the case may be, not less than *forty (40)* days before the date of the primary nominating election." Petitions for nomination, time for filing.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 11, 1955.

CHAPTER 20

An Act to Amend Sections 66-801, 66-802 and 66-815 of the Revised Codes of Montana of 1947, Relating to the

HeinOnline -- 1955 43 1955

Practice of Cosmetology and the Licensing of Cosmetological Establishments and Manager-operators and Fees Relating Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 66-801 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Cosmetology, license required.

"66-801. (3228.1) **License Required to Practice or Teach Cosmetology or Operate a Beauty Shop,** *Cosmetological Establishment* **or School, and Provisions for Registration of Schools of Cosmetology.** No person shall practice or teach cosmetology without a license and no place shall be used or maintained for the teaching of cosmetology for compensation, except under a certificate of registration, and no person shall operate, manage or conduct a beauty shop or school and teach the art therein, or practice therein, without a manager-operator license. *Any person, firm, co-partnership or corporation desiring to operate a cosmetological establishment shall make an application to the board for a certificate of registration and license. The application shall be accompanied by the annual registration fee."*

Adding "cosmetological establishment."

Amending clause.

Section 2. That section 66-802 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Defining terms.

"66-802. (3228.2) **Definitions.** The practice and teaching of cosmetology is defined to be and includes any or all work generally and usually included in the term 'hair dressing' and 'beauty culture' and performed in so-called hairdressing and beauty shops, or by itinerant cosmetologists, which work is done for the embellishment, cleanliness and beautification of the hair, scalp, face, arms or hands. Provided, however, that itinerant cosmetologists shall not be construed to include itinerant cosmetologists who perform their services without compensation for demonstration purposes, in any regularly established store or place of business, holding a license from the State of Montana as such store or place of business."

Adding "cosmetological establishment."

A cosmetological establishment is any premises, building or part of building whereon or wherein is practiced any

HeinOnline -- 1955 44 1955

branch or combination of branches of cosmetology, or the occupation of a hairdresser and cosmetician or cosmetologist.

A cosmetological establishment shall at all times be in charge of a manager-operator.

Section 3. That section 66-815 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows: Amending clause.

"66-815. (3228.15) **Fees.** Each applicant for examination to practice or teach shall pay, at the time of such application a fee of ten ($10.00) dollars. Each applicant for a manager-operator license shall pay a fee of five ($5.00) dollars for the issuance of such a license and the further sum of five ($5.00) dollars annually for each renewal thereof. *A manager-operator or teacher of cosmetology who is retired or no longer active in any capacity in a cosmetological establishment or beauty school may obtain an inactive license upon the payment of an annual fee of three ($3.00) dollars. Every person, firm, copartnership or corporation originally opening a cosmetological establishment shall pay the sum of five ($5.00) dollars for the issuance of the original license. The sum of three ($3.00) dollars annually shall be paid by each existing cosmetological establishment and for each renewal cosmetological establishment license.* Each person teaching cosmetology shall pay a fee of five ($5.00) dollars for the issuance of a license, and the further sum of five ($5.00) dollars annually for each renewal thereof. Every person, firm, copartnership, or corporation, owning, operating or conducting a school of cosmetology shall pay the sum of twenty-five ($25.00) dollars for a certificate of registration therefor, and pay the further sum of twenty-five ($25.00) dollars annually for each renewal thereof. Each applicant for apprentice license shall pay an annual fee of three ($3.00) dollars. Each applicant for itinerant license as cosmetologist shall pay a fee of twenty-five ($25.00) dollars. Such license fees shall be paid annually in advance to the secretary of the board. No other or additional license or fee shall be imposed by any municipal corporation or any other political subdivision of the State of Montana for the practice or teaching of cosmetology." Fees.

HeinOnline -- 1955 45 1955

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1955.

CHAPTER 21

An Act to Amend Section 26-109 of the Revised Codes of Montana, 1947, Relating to the Prohibiting of Political Activity by Fish and Game Wardens or Deputies.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-109, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Political activity prohibited employees of fish and game commission.

"Section 26-109. **Political Activity Prohibited.** While retaining the right to vote as he may please, and to express his opinions on all political questions, no *employee of the* fish and game *commission* shall take any active part in political management or political campaigns, nor shall he use his official authority or influence for the purpose of interfering with an election, or affecting the results, thereof, or for the purpose of coercing or influencing the political actions of any person or body."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1955.

CHAPTER 22

An Act to Amend Section 11-1918, Revised Codes of Montana, 1947, Relating to Reports of Insurance Companies; Providing for Reporting of the Fire Portion of the Direct Premiums, After Deducting Cancellations and Return Premiums, in Cities and Towns Having Organized Fire Departments and Fire Department Relief Associations and Repealing All Conflicting Acts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-1918 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 46 1955

"Section 11-1918. (5126) **Reports of Insurance Companies.** The commissioner of insurance shall *furnish* to each insurance company authorized to effect insurance against risks enumerated in paragraph 1 of section 40-1409 for its annual statement, a list of all such incorporated cities or towns, and each company shall report therein the amount of *the fire portion of the direct premiums, after deducting cancellations and return premiums,* received by it during the preceding year in each incorporated city or town. Before July 1 following the said October 31, mentioned in preceding sections, the commissioner of insurance shall certify to the state auditor the name of each city or town which has an organized fire department and fire department relief association which has complied with provisions of section 11-1910, which has been so reported to him and the amount of *the fire portion of the direct premiums after deducting cancellations and return premiums,* received in each such city or town in such year by each insurance company authorized to effect insurance on risks enumerated in paragraph 1 of section 40-1409."

Reports to and by insurance companies.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 11, 1955.

CHAPTER 23

An Act Relating to the Per Diem and Mileage of Members of the Legislative Assembly and to the Per Diem and Mileage of the President of the Senate and Speaker of the House; Amending Section 43-310, Revised Codes of Montana, 1947; and Amending Section 43-311, Revised Codes of Montana, 1947; and Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 43-310, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 43-310. (74) **Per Diem and Mileage of Members.** Members of the legislative assembly hereafter elected shall receive *twenty dollars ($20.00)* per day, payable

Members of Assembly increased per diem.

HeinOnline -- 1955 47 1955

weekly, during the session of the legislative assembly, and *seven cents (7¢)* per mile for each mile of travel to and from their residences and the place of holding the session, by the nearest traveled route."

Amending clause.

Section 2. That section 43-311, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

President and speaker increased per diem.

"Section 43-311. (75) **Per Diem and Mileage of President of Senate and Speaker of House.** The president of the senate, and the speaker of the house, shall receive the sum of *twenty-five dollars ($25.00)* per day during the session of the legislative assembly, and the same mileage as members."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1955.

CHAPTER 24

An Act to Amend Sub-section (3) of Section 91-4818 of the Revised Codes of Montana, 1947, Relating to the Commitment of Insane Veterans to the Veterans Administration or Other Agency of the United States Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That sub-section (3) of section 91-4818 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Providing transfer of insane veterans to Veterans' Administration institutions.

"(3) Upon receipt of a certificate of the veterans' administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore *or hereafter* committed to any hospital for the insane or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the institution may cause the transfer of such person to the veterans' administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified

HeinOnline -- 1955 48 1955

thereof by the transferring agency. No person shall be transferred to the veterans' administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

"Any person transferred as provided in this section shall be deemed to be committed to the veterans' administration or other agency of the United States pursuant to the original commitment."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1955.

CHAPTER 25

An Act to Amend Section 77-106 of the Revised Codes of Montana, 1947, Relating to the Composition of the National Guard.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 77-106, Revised Codes of Montana, 1947, be, and the same hereby is, amended to read as follows:

Composition of National Guard— includes Air National Guard.

"77-106. (1335) **Composition of National Guard.** The national guard of Montana shall consist of the commissioned officers, enlisted men, staffs, corps, departments, and organizations of the organized militia of Montana regularly organized and maintained pursuant to law for land *or air* service. *The words 'National Guard' whenever and wherever used in the laws of Montana, heretofore or hereafter enacted, shall, unless expressly limited to show a contrary intent, be construed to include the air national guard.*"

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

HeinOnline -- 1955 49 1955

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1955.

CHAPTER 26

An Act to Amend Section 77-117 of the Revised Codes of Montana, 1947, as Amended by Chapter 21 of the Laws of 1949, Relating to the Adjutant General of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 77-117 of the Revised Codes of Montana, 1947, as amended by chapter 21 of the laws of 1949, be, and the same hereby is, amended to read as follows:

Adjutant general—rank, term, assistant.

"77-117. (1346) **The Adjutant General of the State — Assistant Adjutant General.** There shall be an adjutant general of the State of Montana, who shall be appointed by the governor, and shall have the rank of brigadier general, *provided, however, that he shall, upon the completion of five years service in such rank, have the rank of major general.* He shall hold office at the pleasure of the governor, and his commission shall expire with the term for which the governor appointing him shall have been elected. He shall perform the duties prescribed for him in this chapter and in the regulations now or hereafter issued thereunder, and in the statutes of the United States now or hereafter enacted, and such duties as pertain to the duties of the chiefs of staff departments. There shall also be an assistant adjutant general of the State of Montana, who shall be appointed by the adjutant general, with the approval of the governor. He shall be commissioned in the Montana national guard with rank not lower than that of captain. He shall assist the adjutant general in the performance of his statutory duties, and, during the incapacity or absence from the state of the adjutant general, shall act in his stead."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1955.

HeinOnline -- 1955 50 1955

CHAPTER 27

An Act to Amend Section 11-2803 of the Revised Codes of Montana, 1947, Relating to Vacation of Plats in Abandoned Townsites or Portions of Any Village or Townsite in an Unincorporated Village or Town.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-2803 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Cancellation, vacation of plat.

"Section 11-2803. (1) When there shall have been filed in the office of the county clerk of any county of this state a plat of any village or townsite, or a plat of any vineyard tracts, acreage tracts, suburban tracts or community tracts designated in section 11-614, and it is desired by the owners of said lands to vacate said plat, the county commissioners of the county in which such plat is filed, upon petition of the owners of all the lands described in said plat, and upon such conditions as may be reasonable, shall cancel and annul said plat and shall vacate the lots, streets, alleys, parks and boulevards, if any, described in said plat, and thereafter the designation of said property shall be by metes and bounds or by legal subdivisions if the circumstances may require and the same shall be assessed accordingly. If any post office, store or other business establishment shall be located within such platted area, that fact shall not prevent the cancellation and vacating of said plat in accordance with the terms of this act, but, in all cases where it shall be necessary to designate the location of any such post office, store or other business property by metes and bounds for purposes of identification, such designation shall be made in the order to be entered by the board of county commissioners.

Petition, contents.

"(2) Petitions under the terms of this act shall be signed by all the owners of the land in such platted area, shall distinctly refer to the original plat for purposes of identification and shall disclose that the petitioners are the owners of all the lands described in said plat, and that no rights of any person have intervened since the filing of said plat which would be adversely affected by the cancellation and annulment thereof. Provided, however, that when only a portion or portions of any village or townsite

Proviso, area less than three blocks.

HeinOnline -- 1955 51 1955

in any unincorporated village or town is sought to be vacated or excluded therefrom and said portion or portions is not less than *three* blocks in area, and situated at the limits or boundaries of said village or townsite, a verified petition may be filed in the office of the clerk of the district court of the county where said village or townsite is situated by the owner or owners of all the property sought to be vacated or excluded, which petition shall be addressed to the district court of the said county, setting forth the description of the portion or portions sought to be excluded and the reason or reasons for desiring such portion or portions to be excluded. A citation shall thereupon be issued by the judge of the court before whom said matter is pending, citing all persons interested in said matter to appear before said court at a time and place specified in said citation, but at a time not less than three weeks from the date of said citation, which citation shall be published in a newspaper of regular circulation in the said county, or if no such newspaper is in said county, then in such a newpsaper located in an adjoining county of the state, which citation shall be published once a week for two successive weeks before the date of said hearing.

Hearing, order.

"(3) Upon the hearing of said petition and upon conditions that may seem reasonable, the court may vacate and exclude the portion or portions of said village or townsite as prayed for in said petition, including any streets, alleys, parks or boulevards upon which no public easement or easements shall vest, and such excluded property shall be described by metes and bounds in the decree of the court, and said property shall be assessed accordingly."

Approved February 17, 1955.

CHAPTER 28

An Act to Amend Section 81-1403 of the Revised Codes of Montana, 1947, as Amended by Chapter 161, Laws of 1949, and as Amended by Chapter 192, Laws of 1953, Relating to State Forester's Appointment, Compensation, Term, Assistants, and Bond.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 81-1403, Revised Codes of Mon-

HeinOnline -- 1955 52 1955

tana, 1947, as amended by chapter 161, laws of 1949, and as amended by chapter 192, laws of 1953, be, and the same is hereby amended to read as follows:

State Forester, appointment, qualifications, salary, term, bond.

"81-1403. The governor, by and with the advice and consent of the senate, shall appoint a state forester to have general charge of all the state's forests. He shall be *technically* trained and experienced in forestry and *a graduate of an accredited forestry school,* and his salary shall not exceed six thousand dollars ($6,000.00) per annum, at the discretion of the state land board, together with the actual, necessary expenses while engaged in outside work in connection with his office and its duties as defined by law and the regulations of the state board of land commissioners and the state board of forestry. Such expenses shall be payable monthly from the state's general fund and/or the appropriations made to those other boards to which he, by law, has been designated secretary or executive officer. His term of office shall be for four (4) years. With the consent and approval of the state board of land commissioners the state forester shall appoint and fix the salaries and expenses of such office help, district foresters, fire wardens, cruisers, scalers, slash disposal men, and such other trained and qualified assistants as may be necessary in the administration of the state forests and the forested lands within the state. Provided, however, that consent and approval of such appointments by any board shall be restricted to those appointments made for the purposes of that board as defined by law. He shall give a satisfactory bond to the State of Montana in the sum of ten thousand dollars ($10,000.00) as a guarantee for the faithful performance of his duties."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved February 17, 1955.

CHAPTER 29

An Act to Amend Section 11-1905, Revised Codes of Montana, 1947, Relating to Qualifications of Firemen in

HeinOnline -- 1955 53 1955

Cities and Towns and Changing the Maximum Age Requirements.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-1905 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Firemen, qualifications, residence, age, physical examination.

"Section 11-1905 (5113). **Qualification of Firemen.** The qualifications of firemen shall be that they shall be qualified voters of the city or town, not, *at the time of original appointment,* over *thirty-one (31)* years of age, and shall have passed a physical examination by a practicing physician duly authorized to practice in this state, which examination shall be in writing and filed with the city or town clerk. Such examination shall disclose the ability of such applicant to perform the physical work usually required of firemen in the performance of their duty."

Approved February 17, 1955.

CHAPTER 30

An Act to Provide for the Construction and Maintenance of State Highways Which Serve the People of the State of Montana, Are Located Primarily in the State of Montana, and Which Are Partially Located Outside the Boundaries of the State of Montana Because of Geographical or Other Physical Conditions Which Make It Impossible or Impracticable to Locate or Construct or Reconstruct Said Highways Entirely Within the Boundaries of the State of Montana; Providing That Said Portion of Highway Outside the State of Montana Does Not Connect to or Is Not a Part of the State Highway System of Any Adjoining State; Providing That the Cost of Construction, Reconstruction, Engineering, Administration, Betterment and Maintenance Shall Be Paid Out of Funds of the State Highway Commission; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 54 1955

Empowering highway commission to designate certain roads as highways.

Section 1. The state highway commission is hereby authorized to designate such public roads as shall be classed as state highways and subject to improvements under the provisions of the federal aid road act of congress, approved July 11, 1916, and all other acts granting aid for public highways, even though such road or highway is not located entirely and continuously with the boundaries of the State of Montana. The designation of such roads or highways shalls meet the following conditions:

Conditions set forth.

(1) That it shall be on an approved Federal Aid route and eligible for improvement under the federal aid highway acts;

(2) That the location of a portion of such route outside the boundaries of the State of Montana is necessary because of natural geographical or physical conditions which make the construction of the highway within the State of Montana impossible or impracticable;

(3) That the portion of such route located outside the State of Montana does not connect with and is not a part of the state highway system of the adjoining state.

Commission authorized to expend funds and perform necessary acts.

Section 2. The state highway commission is authorized to do all things necessary or required to carry out fully the cooperation contemplated under the federal aid highway acts with regard to such roads and to expend funds for the construction, reconstruction, engineering, administration, betterment and maintenance thereof.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1955.

CHAPTER 31

An Act to Amend Section 31-106, Revised Codes of Montana, 1947, Relating to Equipment; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-106, of the Revised Codes of

HeinOnline -- 1955 55 1955

Montana, 1947, be, and the same is hereby amended to read as follows:

Highway patrol board to furnish equipment and uniforms.

"31-106. **Equipment of Patrolmen.** The highway patrol board shall *furnish* patrolmen with automobiles *equipped and* fitted with a distinctive siren and a particularly designated light *for use* at night. The patrol board shall furnish all patrolmen with *uniforms and equipment necessary for the performance of their respective duties, with the approval of the captain of their respective districts; provided that any such equipment and uniforms shall remain the property of the State of Montana; provided further, that the said board shall have authority to destroy, sell, or dispose of any and all obsolete equipment or uniforms or parts thereof, and any moneys received therefrom shall be paid into the state general fund.*

Title remains in state.

Repealing clause.

Section 2. All acts and parts of acts in conflict are hereby repealed.

Approved February 17, 1955.

CHAPTER 32

An Act to Amend Section 41-701, Revised Codes of Montana, 1947, Relating to Requiring All Contracts for State, County, Municipal and School Construction or Repair Work and Maintenance to Contain Provisions Requiring Preference to Bona Fide Residents of Montana and Defining "the Standard Prevailing Rate of Wages" in the County Where the Work is Being Performed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 41-701, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Montana residents preferred on public works.

"41-701. (3043.1) **Preference of Montana Labor in Public Works — Wage Scale — Not to Conflict with Federal Statutes.** In all contracts hereafter let for state, county, municipal and school construction, repair and maintenance work under any of the laws of this state there shall be inserted in each of said contracts a provision by which the contractor must give preference to the employment of bona fide Montana residents in the performance of said

HeinOnline -- 1955 56 1955

work, and that the said contractor must further pay the standard prevailing rate of wages in effect as paid in the *county* in which the work is being performed. *'Standard prevailing rate of wages', as set forth herein, means those wages which are paid in the county by other contractors for the same type of work performed in such county under this act.* No contract shall be let to any person, firm, association or corporation refusing to execute an agreement with the above-mentioned provisions in it; provided that, in contracts involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States."

Prevailing wage defined.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved February 23, 1955.

CHAPTER 33

An Act to Amend Section 16-1128, Revised Codes of Montana, 1947, Relating to Auto Passes; Authorizing Removal of Livestock Passes Constructed on Public or County Roads, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 16-1128, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"16-1128. (4486.2) **Same — Construction on Public or County Roads — Purpose and Intent of Act.** County commissioners may construct, or cause to be constructed under their direction, on public or county roads, passes across which such roads may continue and which shall be so constructed that automobiles and trucks may cross same and which shall be impassable for livestock. Where necessary gates shall also be maintained as provided in section

Auto passes may be constructed on public and county roads.

HeinOnline -- 1955 57 1955

16-1127; provided, that it is the spirit and intent of the statute, that the discretion granted to boards of county commissioners under this act shall consider primarily the use and benefit of public roads to the general public, *provided further, that such passes may be removed by the board of county commissioners, when, in its judgment, the necessity therefor no longer exists.*''

Commissioners may remove passes.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1955.

CHAPTER 34

An Act Amending Section 11-966 of the Revised Codes of Montana, 1947, as Amended by Chapter 152 of the Laws of the Thirty-third Legislative Assembly, 1953, and Section 11-2303 of Said Revised Codes, as Amended by Chapter 116 of the Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Purposes for which Municipal Indebtedness May be Incurred and the Limitations on the Amount Thereof Outstanding at Any Time.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-966 of the Revised Codes of Montana, 1947, as amended by chapter 152 of the laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

Purposes for which indebtedness may be incurred.

''11-966. (5039.63) **Purposes for Which Indebtedness May be Incurred — Limitation — Additional Indebtedness for Sewer or Water System — Procuring Water Supply and System — Jurisdiction of Public Works Appurtenances.** The city or town council has power: (1) To contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to wit: Erection of public buildings, construction of sewers, bridges, docks, wharves, breakwaters, piers, jetties, moles, waterworks, reservoirs and reservoir sites, lighting plants, supplying the city or town with water by contract, the purchase of fire apparatus, street and other equipment, the construction or purchase of canals or ditches and water rights for supplying the city

HeinOnline -- 1955 58 1955

or town with water, to acquire, open and/or widen any street and to improve the same by constructing, reconstructing and repairing pavement, gutters, curbs and vehicle parking strips and to pay all or any portion of the cost thereof, and the funding of outstanding warrants and maturing bonds; provided, that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not, at any time, exceed five per centum (5%) of the total value of the taxable property of the city or town, as ascertained by the last assessment for state and county taxes, said words 'value of the taxable property' being used herein in the same sense as in section 6 of article XIII of the constitution; provided, that no money must be borrowed on bonds issued for the construction, purchase, or securing of a water plant, water system, water supply, or sewerage system, until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof; and, further provided, that an additional indebtedness shall be incurred, when necessary, to construct a sewerage system or procure a water supply for the said city or town, which shall own or control said water supply and devote the revenue derived therefrom to the payment of the debt.

Limitation, election.

Additional debt allowed for sewer, water.

"(2) The additional indebtedness authorized, including all indebtedness *theretofore* contracted, which is unpaid or outstanding, for the construction of a sewerage system, *or for the procurement of a water supply, or for both such purposes,* shall not exceed *in the aggregate* ten per centum (10%) over and above the five per centum (5%) heretofore referred to, of the total valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes; and, provided further, that the above limit of five per centum (5%) shall not be extended, unless the question shall have been submitted to a vote of the taxpayers affected thereby, and carried in the affirmative by a vote of the majority of said taxpayers who vote upon such question.

Limitation of additional debt for sewer, water, or both.

Election required.

"(3) It is further provided, that whenever a franchise has been granted to, or a contract made with, any person or persons, corporation or corporations, and such person or persons, corporation or corporations, in pursuance thereof, or otherwise, have established or maintained a system of

Acquisition of water supply.

HeinOnline -- 1955 59 1955

water supply, or have valuable water rights or a supply of water desired by the city or town for supplying the said city or town with water, the city or town granting such franchise or entering in such contract or desiring such water supply, shall, by the passage of an ordinance, give notice to such person or persons, corporation or corporations, that it desires to purchase the plant and franchise and water supply of such person or persons, corporation or corporations, and it shall have the right to so purchase the said plant or water supply, upon such terms as the parties agree; in case they cannot agree, then the city or town shall proceed to acquire the same under the laws relating to the taking of private property for public use, and any city or town acquiring property under the laws relating to the taking of private property for public use, shall make payment to the owner or owners of the plant or water supply of the value thereof legally determined, within six (6) months from and after final judgment is entered in the condemnation proceedings. For the purpose of providing the city or town with an adequate water supply for municipal and domestic purposes, the city or town council shall procure and appropriate water rights and title to the same, and the necessary real and personal property to make said rights and supply available, by purchase, appropriation, location, condemnation, or otherwise.

Power of eminent domain.

"(4) Cities and towns shall have jurisdiction and control over the territory occupied by their public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works, and also over the source of stream for which water is taken, for the enforcement of its sanitary ordinances, the abatement of nuisances, and the general preservation of the purity of its water supply, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city or town shall be authorized to condemn private property in the manner provided by law, and shall have authority to levy a just and equitable tax on all consumers of water for the purpose of defraying the expenses of its procurement."

Jurisdiction for sanitation.

Section 2. That section 11-2303 of the Revised Codes of Montana, 1947, as amended by chapter 116 of the laws of

Amending clause.

HeinOnline -- 1955 60 1955

the thirty-second legislative assembly, 1951, be, and the same is hereby further amended to read as follows:

"11-2303. (5278.3) **Limitation on Amount of Indebtedness.** No city or town shall issue bonds for any purpose in an amount which, with all outstanding and unpaid indebtedness, will exceed five per centum (5%) of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes; provided, however, that for the purpose of constructing a sewerage system, or procuring a water supply or constructing or acquiring a water system for a city or town, which shall own and control such water supply and water system and devote the revenues therefrom to the payment of the debt, a city or town may incur an additional indebtedness by borrowing money or issuing bonds. The additional indebtedness which may be incurred by borrowing money or issuing bonds for the construction of a sewerage system, *or for the procurement of a water supply, or for both such purposes,* including all indebtedness theretofore contracted, which is unpaid or outstanding, shall not *in the aggregate* exceed ten per centum (10%) over and above the five per centum (5%) heretofore referred to, of the total value of the taxable property therein as ascertained by the last assessment for state and county taxes. The words 'value of the taxable property' as used in this section, are used in the same sense as in section 6 of article XIII of the constitution and shall be given the same meaning; and provided further, that the issuing of bonds for the purpose of funding or refunding outstanding warrants or bonds shall not be deemed the incurring of a new or additional indebtedness, but shall be deemed merely the changing of the evidence of outstanding indebtedness."

Limitation on amount of indebtedness.

Proviso,

Additional debt for sewer or water or both.

Over-all limitation.

Defining "value of taxable property."

Proviso, funding or refunding bonds not new debts.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved February 23, 1955.

CHAPTER 35

An Act to Amend Section 68-801, Revised Codes of Montana, 1947, as Amended by Section 5, Chapter 186, Laws of Montana, 1951, Relating to Voluntary Service Retirements, Reinstatements to Service Therefrom and Repeal-

HeinOnline -- 1955 61 1955

ing Compulsory Retirements, Directing That Invalidity of a Part of This Act Shall Not Affect or Impair the Remainder.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 68-801 of the Revised Codes of Montana, 1947, as amended by section 5, chapter 186, laws of Montana, thirty-second session, 1951, be, and the same are hereby amended to read as follows:

"68-801. **Voluntary Service Retirement.**

Voluntary service retirement.

"(a) *Retirement of a member for service shall be made by the board of administration upon his attaining the age of sixty (60) years or more and upon his completion of ten (10) or more years of public service credited under this act and the filing of his written application to the board, subject to the provisions of section 68-901.*

Re-employment.

"(b) Notwithstanding any other provision of this act, any person who has been retired for service (as distinguished from disability) under the provisions of this act may be employed in state service in accordance with the laws governing such service in the same manner as a person who has not been so retired.

Re-instatement and adjustment upon re-employment.

"(c) Any person so employed shall be considered as reinstated from retirement and his retirement allowance shall be cancelled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of such reinstatement, and his rate of contribution for future years shall be the same as if he had continued in state service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

Approved February 23, 1955.

CHAPTER 36

An Act to Amend Section 10-622 of the Revised Codes of Montana, 1947, as Amended by Chapter 112 of the Session Laws of the State of Montana, 1953, Relating to Probation Officers, Their Appointment, Removal and Salaries; Providing for an Increase in the Maximum

HeinOnline -- 1955 62 1955

Salary Which Can be Paid to the Chief Probation Officer and Further Providing for an Increase in the Maximum Salary Which Can be Paid to Deputy Probation Officers; Providing for an Effective Date of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 10-622 of the Revised Codes of Montana, 1947, as amended by chapter 112 of the session laws of the State of Montana, 1953, be, and the same is hereby amended to read as follows:

Probation officers, appointment, removal.

"Section 10-622. **Probation Officers — Appointments — Removal — Salaries.** In every judicial district of the State of Montana the judge thereof having jurisdiction of juvenile matters shall appoint one discreet person of good moral character, who shall be known as the chief probation officer of such district and who shall hold his office until removed by the court. Such officer shall receive for his services such sum as shall be specified by the court upon appointment, provided that the judge of the district court may employ him on a yearly salary not to exceed *four thousand five hundred dollars ($4,500.00),* or on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The salary of such officer shall be apportioned among and paid by each of said counties in which said officer shall be appointed to act, in proportion to the assessed valuation of such counties for the year then current, except that where such official is appointed for one county, his salary shall be paid by that county. In the absence of such appointment of the chief probation officer, it shall be the duty of the sheriff of the county to perform all the duties of the chief probation officer in this act enumerated without additional compensation, as directed by the court.

Maximum salary increased.

Deputies,

"The judge having jurisdiction of juvenile matters may also appoint such additional persons to serve as deputy probation officers as the judge deems necessary; their salaries to be fixed by the judge at the time of appointment, provided that such salaries shall not exceed *ninety percent (90%) of the salary of the chief probation officer, or four thousand fifty dollars ($4,050.00)* per year."

Salary maximum, 90% of chief.

HeinOnline -- 1955 63 1955

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1955.

CHAPTER 37

An Act to Change the Name of "State Fish and Game Warden" to "State Fish and Game Director" and the Name of "Deputy State Fish and Game Warden" to "State Fish and Game Warden."

Be it enacted by the Legislative Assembly of the State of Montana:

"State Fish and Game Director" title created.

Section 1. That from and after the passage and approval of this act, the state fish and game warden of the State of Montana shall be designated and known as the "state fish and game director," and all deputy state fish and game wardens of the State of Montana shall be designated and known as "state fish and game wardens."

"State Fish and Game Warden" title created.

Application throughout Montana Codes.

Section 2. Upon the effective date of this act the words or designation "state fish and game warden", wherever the same appears in the Revised Codes of Montana, 1947, as amended, shall be construed to mean and refer to the state fish and game director, and the words or designation "deputy state fish and game wardens" wherever the same appears in the Revised Codes of Montana, 1947, as amended, shall be construed to mean and refer to the state fish and game wardens.

Approved February 23, 1955.

CHAPTER 38

An Act to Amend Section 11-2314, Revised Codes of Montana, 1947, Relating to Method of Publication of Notice of Sale for City Bonds and Eliminating the Provision Requiring Notice and Transcript to Board of Land Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-2314 of the Revised Codes of Montana, 1947, be amended to read as follows:

HeinOnline -- 1955 64 1955

"Section 11-2314. (5278.14) **Publication of Notice of Sale.** The city or town council *or commission* shall cause such notice to be published *one in* each *calendar* week *in each of the* four successive *calendar* weeks *(4 publications)* immediately preceding *the week which contains* the date of sale, in a newspaper of general circulation printed and published, if there be one, and if not then in a newspaper of general circulation, in said city or town, printed and published in the county in which said city or town is located; and the council *or commission* may, in its discretion, cause such notice to be published in such other newspaper or newspapers published either within or without the state as in the opinion of the council *or commission* will be most likely to give notice of such sale to prospective bidders. The city or town clerk must, at least fifteen (15) days before the date fixed for the sale of *general obligation* bonds *only,* send a copy of such published notice to the secretary of the state board of land commissioners, and shall thereupon furnish to the said secretary a transcript of the proceedings had for the issuance of *general obligation* bonds *only,* and such other information relating thereto as the secretary may find necessary."

Publication of notice of sale—bonds.

Requirements.

Notice to land board in general obligation bonds.

Approved February 23, 1955.

CHAPTER 39

An Act to Amend Section 11-2214, Revised Codes of Montana, 1947, Pertaining to the Methods of Assessment in Special Improvement Districts in Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 11-2214 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"11-2214. (5238) **Methods of Payments of Improvements.** (1) To defray the cost of the making of any of the improvements provided for in this act, the city council *or commission* shall adopt one of the two following methods of assessment:

Methods of paying for improvements.

(a) The city council *or commission* shall assess the entire cost of such improvements against the entire district, each

Assessment of entire district.

HeinOnline -- 1955 65 1955

lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places; provided, however, that the city council *or commission,* in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersections, out of any funds in its hands, available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to *equitably* apportion the cost of any of the improvements herein provided for between *that land within the district which lies within twenty-five (25) feet of the line of the street on which the improvement is to be made and all other land within the district, the council or commission may, in the resolution creating any improvement district, provide that the amount of the assessment against the property in such district, to defray the cost of such improvements, shall be so assessed that each square foot of land within the district lying within twenty-five (25) feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other land within the district shall bear.*

Proviso.

May double assessment of land within 25 feet of street.

(b) The city council *or commission* shall assess the cost of such improvements against the entire district, each lot or parcel of land within such district, bordering or abutting upon street or streets whereon or wherein the improvement has been made, in proportion to the lineal feet abutting or bordering the same; provided, however, that this method of assessment shall not apply to assessments in improvement districts created under the provisions of section 11-2205 of this code; and provided, further, that the city council *or commission,* in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersections out of any funds in its hands, available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district.

Assessment of abutting or bordering street.

Proviso.

"(2) Whenever any portion of the surface of a paved street is occupied or used for railway or street railway purposes, it shall be and continue to be the duty of the owner or operator of such railway or street railway to

Railway or street railway responsible for cost of street repairs and maintenance thereby caused.

HeinOnline -- 1955 66 1955

fully repair any injury or damage to such pavement caused by such railway or street railway either in the operation of its cars or in the laying or repair of its tracks, and in case of a failure or refusal of such owner or operator so to repair such pavement within a reasonable time after notice by the city council *or commission,* the city council *or commission* is authorized and empowered to cause such repairs to be made and to assess the cost thereof to such owner or operator and to enforce collection thereof as in the case of taxes.

Omission of United States' property.

"(3) Whenever any lot, piece or parcel of land belonging to the United States, or mandatory of the government, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said council shall, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement, and the cost of said work or improvement in front of said lots, pieces or parcels of land shall be paid by the city from its general fund.

Owner may perform own grading.

"(4) It shall be lawful for the owner or owners of *the* lots or land fronting upon any street, the width and grade of which shall have been established by the city council *or commission,* to perform, at his or their own expense (after obtaining permission from the council *or commission* so to do, but before said council *or commission* has passed its resolution of intention to order grading exclusive of this), any grading upon said street, to its full width, or to the center line thereof and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in such grading, and proportions performed by each owner, and that the same is done to established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the city engineer, which certificate the engineer shall record in a book kept for that purpose in his office, properly indexed.

City engineer's certificate.

Filing.

HeinOnline -- 1955 67 1955

Credit on assessments thereafter from grading improvement.

"(5) Whenever thereafter the city council *or commission* orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; provided, however, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the city clerk shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and land owned respectively, by said certified owners and their successors in interest; provided, however, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street, and belonging to any such certified owners or their successors in interest.

Proviso, no credit for proportion of cost of whole of grading.

Procedure for credits.

When owner does work on street, excepted from order, if approved by engineer.

"(6) Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work (excepting grading) on such street, in front of any block, at his or their own expense, and the city council *or commission* shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; provided, that the work so done at the expense of such owner or owners shall be upon the official

HeinOnline -- 1955 68 1955

grade, and in condition satisfactory to the city engineer at the time said order is passed."

Section 2. This act shall take effect from and after its passage and approval. Effective immediately.

Approved February 23, 1955.

CHAPTER 40

An Act to Amend Section 28-603, Revised Codes of Montana, 1947, Relating to Powers of Boards of County Commissioners to Protect Range, Farm and Forest Resources; Increasing the Amount Appropriated from the General Fund for Purchase, Care and Maintenance of Fire Fighting Equipment and Wage Payments to Mechanical Equipment Operators in the Suppression of Fires; and Providing for Increasing Tax Levy in Case General Fund Fully Budgeted.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 28-603, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"Section 28-603. **Powers of Board.** (1) Boards of county commissioners may in their discretion establish fire seasons annually during which no person shall ignite or set any forest fire, or slash burning fire, or land clearing fire, or debris burning fire, or any open fire, within any forest, range or crop lands subject to the provisions of this act, without having obtained an official written permit to ignite or set such fire from a county rural fire chief or from a district rural fire chief authorized by the board to issue such permits for such lands; Commissioners may establish fire seasons, require burning permits.

(2) Any person who shall ignite or set any forest fire, or slash burning fire, or land clearing fire, or debris burning fire, or any open fire, within any forest, range or crop land subject to the provisions of this act without first having obtained a written permit to ignite or set such fire shall be guilty of a misdemeanor; Penalty.

(3) To augment rural crews in case of serious emergency the boards may provide for the organization and Supplemental fire crews authorized.

HeinOnline -- 1955 69 1955

training of voluntary urban fire crews to be used in rural areas;

Right of entry to suppress fires.

(4) Any county rural fire chief and/or district rural fire chief may enter private property either with or without fire control crews for the purpose of suppressing fires, and are exempt from any damage resulting from such activity;

Limit of appropriation increased.

(5) The board is authorized to appropriate from the general fund of the county not to exceed *five thousand dollars ($5,000.00)* per year for the purchase, care and maintenance of fire fighting equipment, or for the payment of wages to skilled operators of heavy mechanized equipment in the suppression of fires when deemed necessary; or if the general fund is budgeted to the full limit, the board may at any time fixed by law for levy and assessment of taxes levy a tax at such rate as in their judgment will be necessary to raise such needed sum not to exceed *five thousand dollars ($5,000.00).*"

Levy in excess of budget, increased.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

CHAPTER 41

An Act to Amend Section 53-122 of the Revised Codes of Montana, 1947, as Amended by Chapter 215 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, Relating to Registration Fees of Motor Vehicles — Fees — Disposal of Proceeds — Relating to Allocation of Net Fees Derived from Registration of Motor Vehicles to Cities Having a Population of Ten Thousand (10,000) or More, or Construction of Highways Within the Boundary of Such Incorporated Cities — Fee for Half Year — Dealers' Registration and Transfer Thereof — Public Owned Vehicles Exempt from License or Registration Fees — License or Registration Fees for Trailers, House Trailers, Semitrailers and Tractors — Providing for Certain Exemptions — Providing for Transfer of Funds from the Motor Vehicle

HeinOnline -- 1955 70 1955

Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund) — Providing for Deposit of All Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in Said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-122 of the Revised Codes of Montana, 1947, as amended by chapter 215 of the session laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

Registration fees of motor vehicles.

"Section 53-122. (1760) **Registration Fees of Motor Vehicles — Fees — Disposal of Proceeds — Fee for Half Year — Dealers' Registration and Transfer Thereof — Public Owned Vehicles Exempt from License or Registration Fees — License or Registration Fees for Trailers, House Trailers, Semitrailers and Tractors — Providing for Transfer of Funds From the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund) — Providing for Deposit of All Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in Said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.** Registration or license fees shall be paid upon registration or re-registration of motor vehicles, trailers, house trailers, semitrailers and dealers in motor vehicles *or* trailers in accordance with this act, as follows:

Dealers, fees.

Dealers in motor vehicles other than motorcycles, a minimum fee of thirty dollars ($30.00) which shall entitle such dealer to two (2) sets of number plates, and five dollars ($5.00) additional fee for each additional set of number plates up to six (6) sets, and two dollars ($2.00) additional fee for each additional set of number plates, as may be applied for by such dealer; provided, that each dealer be required to furnish the registrar of motor vehicles

HeinOnline -- 1955 71 1955

a statement showing the makes of motor vehicles handled by him, and the total number of each make sold by him during the preceding year, and that he not be issued a license unless he so conforms;

Dealers in motorcycles, trailers including house trailers, fifteen dollars ($15.00);

Motor vehicles up to 2,850 pounds.

Motor vehicles, weighing twenty-eight hundred and fifty (2850) pounds, or under, other than motor trucks, five dollars ($5.00);

Over 2,850 pounds.

Motor vehicles, weighing over twenty-eight hundred and fifty (2850) pounds, other than motor trucks, ten dollars ($10.00);

Electrically driven.

Electrically driven passenger vehicles, ten dollars ($10.00);

Motorcycles.

All motorcycles, two dollars ($2.00);

Tractors and trucks.

Tractors and/or trucks, ten dollars ($10.00);

Busses.

Busses shall be classed as motor trucks and licensed accordingly;

Trailers and semis, less than 2,500 pounds

Trailers and semitrailers less than two thousand five hundred (2,500) pounds maximum gross loaded weight and house trailers of all weights, two dollars ($2.00);

Over 2,500 pounds.

Except, house trailers.

Trailers and semitrailers over two thousand five hundred (2,500) up to six thousand (6,000) pounds maximum gross loaded weight, except house trailers, five dollars ($5.00);

Over 6,000 pounds.

Trailers and semitrailers over six thousand (6,000) pounds maximum gross loaded weight, ten dollars ($10.00);

Certain trailers, special fee.

Trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery and bridge material exclusively, new and secondhand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of fifteen dollars ($15.00) annually, regardless of size or capacity.

Vehicles without pneumatic tires.

All rates to be twenty-five percent (25%) higher for motor vehicles, trailers and semitrailers, when not equipped with pneumatic tires;

Bicycles with motor attachments, one dollar ($1.00);

HeinOnline -- 1955 72 1955

Tractors, as specified in this section, shall mean any motor vehicle, except passenger cars used for towing a trailer or semitrailer. Tractors defined.

"All license or registration fees collected by the county treasurer of the county in which any motor vehicle is registered shall be credited to the motor vehicle license fund of said county. The funds in said county motor vehicle fund shall be used as follows: Disposition of fees.

(a) Fifty per cent (50%) of the net license fees derived from the registration of motor vehicles, the owners of which reside within the boundaries of any incorporated city of the State of Montana, having a population of thirty-five thousand (35,000) or more, or the owners of which reside within the boundaries of any incorporated city of the State of Montana which lies within one (1) mile of the city limits of an incorporated city of the State of Montana having a population of thirty-five thousand (35,000) or more, according to the federal census of 1930, *and twenty-five per cent (25%) of the net license fees derived from the registration of motor vehicles, the owners of which reside within the boundaries of any city in the State of Montana having a population of ten thousand (10,000) or more, according to the federal census of 1950, and which city is situated in a county which has an area of less than seven hundred and fifty (750) square miles,* shall be held by the county treasurer and segregated from other county road funds and designated as 'city road fund,' to be used in the city from which fees were derived for the construction of permanent streets within the incorporated limits of such city. 50% to certain cities. 25% to certain cities. City road fund.

(b) The license fees held in the city road fund, as hereinbefore provided, *at the end of each thirty (30) day period beginning March 1, 1955, be paid by the county treasurer to the city treasurer to be held by such city treasurer in a separate fund designated as the 'city road fund,'* shall be used by the city council of such city having the population of thirty-five thousand (35,000) or more, or by the city council of such city which lies within one (1) mile of the city limits of an incorporated city of the State of Montana, having a population of thirty-five thousand (35,000) or more, according to the federal census of 1930, *or by the city council of such city having a population of ten thou-* Fees to city each 30 days. Use of fund.

HeinOnline -- 1955 73 1955

sand (10,000), or more, according to the federal census of 1950 and situated in a county which has an area of less than seven hundred and fifty (750) square miles, only for the construction of permanent highways and streets within the boundaries of such incorporated city. Provided, that all construction of public highways and streets, the cost of which is to be paid out of the fund derived from the license fees as herein provided, shall be under the supervision of the county surveyor of the county within whose boundaries such city is situated, subject to the control of the said city council and surveyor to designate the public highway or street upon which the work is to be done, and the type of pavement to be used, and provided further, that the cost of supervision of the county surveyor shall not exceed five per cent (5%) of the cost of said work.

Supervision of county surveyors.

Limit on cost of supervision.

County use of net fees received.

(c) The net license fees derived from the registration of motor vehicles shall be by the registrar of motor vehicles transmitted to, and paid over to the county treasurer of the county from which the registration fee came, such fees, excepting apportionment to the city road fund, to be used by said county for the construction, repair and maintenance of all public highways, except state and federal highways, within the boundaries of said county, including city streets forming component parts of arterial highways within the corporate cities of less population than thirty-five thousand (35,000), according to the federal census of 1930, within the boundaries of said county, *other than any corporate city entitled to receive or expend the 'city road fund,' within the boundaries of said county.*

½ fee—6 month registration.

"If any dealer, or motor vehicle, house trailer, trailer, or semitrailer is originally registered six (6) months after the time of registration as set by law, the registration or license fee for the remainder of such year shall be one-half (½) of the regular fee above given.

Dealer branch establishments.

"A dealer in motor vehicles *or* trailers who shall maintain more than one (1) place of business or who shall maintain any branch establishment or establishments, must register and pay a registration or license fee for each such place of business or establishment.

Transfer of dealer certificate.

"A registered dealer, who may sell or dispose of his entire business to any other person, may have his certificate of registration transferred to such purchaser upon

HeinOnline -- 1955 74 1955

filing with the registrar of motor vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of one dollar ($1.00), the registrar of motor vehicles shall note upon the registration record of such dealer the change of ownership. But no certificate of registration can be transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchasers of such business.

Filing fee.

"The provisions of this act with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers or tractors owned or controlled by the United States of America or any state, county or city, but in all other respects the provisions of this act shall be applicable to and binding upon motor vehicles, tractors, trailers, and semitrailers.

Exempting certain official vehicles.

"All fees, other than license fees, mentioned and described in sections 53-110 and 53-112, and in section 53-135, shall hereafter be deposited in, and paid into, the motor vehicle recording fund of said registrar (sometimes called the motor vehicle administrative fund) out of which shall be paid all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles.

Fees paid into recording fund.

"There shall be immediately transferred from the motor vehicle fund of the registrar of motor vehicles to the said motor vehicle recording fund all moneys now in said motor vehicle fund which were collected by the registrar of motor vehicles as fees other than license fees.

"Whenever, in the judgment of the state board of examiners, there shall be in said motor vehicle recording fund more moneys than are reasonably required or needed to pay all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles, such board shall distribute such unneeded surplus or excess to the fifty-six (56) counties of the state in a pro rata manner based upon the total number of motor vehicles registered in each county."

Board of examiners to distribute surplus.

HeinOnline -- 1955 75 1955

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

CHAPTER 42

An Act Limiting Liability of Persons, Corporations, Partnerships or Associations, Authorized by Any City, Town, Village or District Fire Department, or by Any Volunteer Fire Company, to Receive Any Report of Fire, or Which Agree to Receive and Transmit Such a Report to Any City, Town, Village, or District Fire Department, or Volunteer Fire Department or Volunteer Fire Company, and Providing That Such Persons, Corporations, Partnerships or Associations Shall Not be Liable for Delay in Reporting or Failure to Report Such Fire Unless Delay or Failure is the Result of Gross Negligence; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Date of Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Entity exempt from responsibility for delay or failure to transmit fire report.

Section 1. No person, corporation, partnership or association which is authorized by any city, town, village or district fire department, or by any volunteer fire company to receive any report of fire or which agrees to receive and transmit such report to such fire department or volunteer fire company shall be liable in any civil action for damage to property or persons, including death, caused by delay in reporting or failure to report such fire, unless such delay or failure is the result of the gross negligence of such person, corporation, partnership or association.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

HeinOnline -- 1955 76 1955

CHAPTER 43

An Act to Amend Section 75-4231 of the Revised Codes of Montana of 1947, as Amended by Section 2 of Chapter 106 of the Laws of 1951, Relating to the General Powers and Duties of Boards of Trustees of County High Schools and School Districts Maintaining High Schools; Specifying the Amount for Which Said Trustees May Let Contracts Without Calling for Bids.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-4231 of the Revised Codes of Montana, 1947, as amended by section 2 of chapter 106 of the laws of 1951, be, and the same is hereby amended to read as follows:

Powers and duties of boards of trustees.

"75-4231. (1262.83) **General Powers and Duties of Boards of Trustees.** The board of trustees of every county high school and of every school district maintaining a district high school shall have the power, and it shall be its duty:

Keep records.

"1. To keep a full and permanent record of all the acts of the board and of all warrants issued against funds disbursed by it; and to pay out money only upon warrants drawn against the funds of the high school, each warrant specifying upon its face the specific purpose for which it is drawn and the disbursement represented thereby, and to keep a separate set of books for all receipts and disbursements for high school purposes, which said books must be kept in accordance with the rules and regulations to be prescribed by the state superintendent of public instruction.

Payment on warrants only.

Acquire real estate, buildings.

"2. (a) At its discretion as restricted by law to purchase, or otherwise acquire, real estate to be used as a site or sites for a high school, high school dormitories, high school gymnasiums, and other high school buildings, or for any proper high school purposes, and to sell and to dispose of the same; at its discretion as restricted by law to build, purchase, or otherwise acquire, a high school building, high school dormitories, high school gymnasiums, and other buildings necessary for the high school, and to sell, move and dispose of the same; at its discretion as restricted by law to lease or contract with the board of

HeinOnline -- 1955 77 1955

trustees of any school district, or with any person, for suitable buildings or quarters to be used for any high school purposes or as a high school dormitory or gymnasium, and for such term not exceeding three (3) years as the board may deem for the best interests of the high school; at its discretion as restricted by law to purchase, or otherwise acquire, all necessary and appropriate equipment and supplies for the conduct, operation and administration of the high school, including high school dormitories and gymnasiums; at its discretion as restricted by law to make all contracts and to do all things necessary to carry out or execute all or any of the powers herein specified and conferred upon the board; provided, all boards of trustees of county high schools, or districts maintaining high schools, shall be prohibited from letting any contracts for building, furnishing, repairing or other work for the benefit of the school, or purchasing supplies for said school, where the amount involved is *one thousand two hundred fifty dollars ($1,250.00)* or more, without first advertising in a newspaper published in the county for at least two (2) weeks, calling for bids to perform such work, and the board shall award the contract to the lowest responsible bidder; provided further, that the board of trustees shall have the right to reject any or all bids; provided that these provisions shall not apply in case of extreme emergencies.

Term limitation on lease or compact.

Bids required, when.

Amount increased.

"(b) But the board shall exercise no power whatsoever conferred upon it *by* this subdivision 2 whereby obligations are assumed or an indebtedness created in excess of the funds on hand, belonging to the high school, and not otherwise appropriated, or available to the board from the collection of taxes actually levied for the current year, or from the sale of bonds already authorized; and the power of the board to purchase, or otherwise acquire, or to sell, or dispose of, a site or sites for a high school, high school dormitories, high school gymnasiums, or other high school buildings, or for any proper high school purpose, or to build, purchase, or otherwise acquire, a high school building, high school dormitories, high school gymnasiums, or other buildings necessary for the high school or to sell, move or dispose of the same, shall be exercised only at the direction of a majority of the qualified electors of the county in the case of a county high school, or of the dis-

Limitations upon powers of boards.

HeinOnline -- 1955 78 1955

trict in the case of a district high school, voting at an election to be called by the board, and otherwise noticed, conducted, canvassed and returned in the same manner as the annual election of school trustees in school districts of the first class.

Purchase of contiguous sites.

"(c) Provided, however, that where a site or sites for a high school, high school dormitories, high school gymnasiums or other high school buildings or for any other proper high school purposes is contiguous to a site upon which there exists a high school building erected and in use for high school purposes, the board may purchase or otherwise acquire such contiguous site or sites without calling for a vote of the qualified electors of the county, in the case of a county high school, or the district, in the case of a district high school, and upon the making of such a purchase of, or otherwise acquiring, such site or sites, the board may enter into a contract or obligation providing for the purchase of said site or sites by deferred payments and may incur indebtedness for the whole or any part of said purchase price and shall not be restricted in the terms of said contract or the amount of said purchase price except that the amount of the indebtedness incurred shall not exceed ten thousand dollars ($10,000.00) as to principal and interest; provided further, however, that before making any such purchase the board shall duly pass a resolution declaring such lands to be purchased necessary for school purposes of said district, and provide for the purchase thereof; provided further, that notice of the meeting at which said resolution is to be considered for final adoption and of the proposed passage of said resolution shall be given as provided by law for notices of election of trustees, at which meeting the electors of said district shall have the right to be present and to protest the passage of said resolution.

Procedure in case of protests.

"(d) If at the hearing on such resolution protests against the adoption of the same shall be made and the board of trustees shall adopt the same over such protests, the resolution shall not become effective for fifteen (15) days after the date of its adoption, during which time any taxpayer or taxpayers may appeal to the district court by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the clerk or secretary of the board of trustees. Said pe-

HeinOnline -- 1955 79 1955

tition shall set forth in detail the objections of the petitioners to the adoption of such resolution or to the purchase of the property as provided for in said resolution. The service and filing of said petition shall operate to stay such resolution until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing the same which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination shall be final.

County high school principal, qualifications, term.

"3. In the case of a county high school, to employ for a period of not exceeding two (2) years some person as principal of the county high school who shall possess the qualifications required of a district superintendent of schools and who shall have charge of the county high school and whose tenure shall be the same as that of a district superintendent, except that the term shall be two (2) years instead of three (3).

District high school, superintendent and/or principal.

"4. In the case of a district high school, to employ for a period of not exceeding three (3) years some person as district superintendent and/or principal of schools who shall possess the qualifications required by law and who shall have charge of the district high schools.

Employment of assistants and teachers.

"5. To employ such assistants and teachers upon the recommendation of the county high school principal or district superintendent or principal as the board may deem necessary for the proper conduct of the school, provided, however, that the assistants and teachers employed shall be possessed of the qualifications prescribed by the state board of education.

Salaries and compensation.

"6. To fix the salaries and compensation to be paid to the principal or district superintendent and assistants and teachers employed.

Adoption of courses of studies.

"7. To adopt on the recommendation of the county high school principal or district superintendent or principal such courses of study as will adequately and properly fit the graduates of the high school for admission to any of the state institutions of higher education or any other course of study approved by the state board of education,

HeinOnline -- 1955 80 1955

provided, however, that such courses of study shall in any event conform to the standards prescribed by the state superintendent of public instruction under section 75-4220. Standards set by state superintendent.

"8. To admit to the high school without payment of tuition any pupil residing within the county and eligible for admission to high school under the rules and regulations of the state board of education. Resident pupils admitted without tuition.

"9. In its discretion to admit to the high school any pupil residing in another county whose transfer is not authorized by section 75-4230 upon the payment of such tuition as the board may fix, subject to any restrictions otherwise imposed by law, and provided that such pupil is eligible for admission to high school under the rules and regulations of the state board of education. But no such pupil shall be admitted to the high school or permitted to continue in attendance thereat to the exclusion of pupils residing in the county wherein the high school is located. Non-resident pupils, discretionary admission.

"10. To provide by contract, purchase, or otherwise, for free text books and all necessary and requisite school supplies, furniture, furnishings and equipment, for the repair of high school buildings and property, and for other needs of the high school, including dormitories and gymnasiums, grounds, faculty or school board, but subject at all times to the restrictions imposed by subdivision 2 of this section, or otherwise by law. Provision of textbooks and supplies.

"11. To rent, lease and let to such persons and entities as the board may deem proper the high school halls, gymnasiums, buildings, and parts thereof, for such time and rental as the board may designate, and to pay over to the county treasurer all sums collected on account of such letting for the credit of the high school. Rental of school buildings.

"12. To close the high school at its discretion during the annual session of the state teachers' association and to allow the principal or district superintendent and teachers to attend such annual session without loss of salary. Permission of attendance at teachers' association meetings.

"13. To make such reports from time to time as the county superintendent of schools, the state superintendent of public instruction or the state board of education may require. Reports.

"14. To equip, operate and maintain a high school dormitory or dormitories, for the use of the teachers and/or Dormitories.

HeinOnline -- 1955 81 1955

pupils of the school; to employ a suitable matron to take charge of, direct and supervise any such dormitory and such other employees as may be necessary; and to set aside out of the general funds of the high school a sum not exceeding one hundred dollars ($100.00), to be designated as the dormitory petty cash fund, which shall be placed at the disposal of the matron for the purpose of paying incidental petty expenses necessarily incurred from time to time in the operation of the dormitory, and to replenish such fund as the same may become exhausted, provided, however, that the matron shall keep an accurate and detailed account of her administration of the dormitory petty cash fund in such form as the state examiner may prescribe, and shall take proper receipts covering every disbursement made by her from such fund, and provided further that no single account or item paid by her out of the said fund shall exceed in amount ten dollars ($10.00).

Additional general powers.

"15. To transact all business, to make and execute all contracts, to acquire, hold and dispose of all property, whether real or personal, in the name of the county or school district, as the case may be; and generally to have, possess, exercise and enjoy all powers and authority necessary to execute the specific powers, and to discharge the particular duties hereinbefore conferred and imposed upon the board; but nothing contained in this section shall be deemed or construed to confer any power or authority upon any board contrary to the provisions of sections 75-1637 and 16-807, in any case where the provisions of these sections, or either of them, would otherwise be applicable."

Approved February 23, 1955.

CHAPTER 44

An Act to Amend Section 75-1637 of the Revised Codes of Montana, 1947, Relating to School District Contracts; Providing When Contracts May be Let Without Calling for Bids.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-1637 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 82 1955

"75-1637. (1016) **Letting Contracts and Furnishing Supplies, Trustees Not to be Interested in — Advertising for Bids Required, When.** It shall be unlawful for any school trustee to have any pecuniary interest, either directly or indirectly, in the erection of any schoolhouses, or for warming, ventilating, furnishing, or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or to accept any compensation or reward for services rendered as trustees, except as hereinbefore provided. No board of trustees shall let any contract for building, furnishing, repairing, or other work, for the benefit of the district, without first advertising in a newspaper published in the county for at least two (2) weeks, calling for bids to perform such work *except:*

Contracts—trustees' interest forbidden.

Advertising for bids required.

(a) A board of trustees of third class school districts maintaining one (1) or two (2) room elementary schools, may contract, without advertising and without bids, where the amount involved is not more than four hundred dollars ($400.00);

Exceptions, certain third class districts, $400.00 limit.

(b) A board of trustees of third class school districts, other than those mentioned in subparagraph (a) may contract, without advertising and without bids, where the amount involved is not more than seven hundred and fifty dollars ($750.00);

Other third class districts, $750.00 limit.

(c) A board of trustees of districts of the first and second class maintaining elementary schools only, may contract without advertising and without bids where the amount involved is not more than one thousand two hundred and fifty dollars ($1,250.00);

First and second class districts, $1,250.00 limit.

In all cases where advertising is required, the board shall award the contract to the lowest responsible bidder; provided, however, that the board of school trustees shall have the right to reject any and all bids.

Lowest responsible bid where advertised.

Proviso.

Approved February 23, 1955.

CHAPTER 45

An Act Providing That Counties May Levy a Tax for the Maintenance and Operation of a County-owned Civic Center, Youth Center, Recreation Center, or Any Com-

HeinOnline -- 1955 83 1955

bination of Two or More Thereof; and Limiting the Expenditure of All Funds Derived From Such Tax and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorizing a special 1-mill levy.

Section 1. The board of county commissioners, after a county-owned civic center, youth center, recreation center, or any combination of two or more thereof has been established, may annually levy on the taxable property of the county, in the same manner and at the same time as other county taxes are levied, a special tax not to exceed one (1) mill on each dollar of the taxable valuation for any one (1) year, for the purpose of maintaining and operating such county-owned civic center, youth center, recreation center, or any combination of two or more thereof. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds derived from such tax together with all revenue and income from such civic center, youth center, recreation center, or any combination of two or more thereof shall constitute a separate fund, called the civic-youth-recreation center fund, shall be deposited with the county treasurer, and shall not be used for any purposes except those of such civic center, youth center, recreation center, or any combination of two or more thereof. All claims against such separate fund shall be presented and acted upon in the same manner as are all other claims against the county.

Civic youth recreation fund established.

Limitation of purpose.

Claims.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1955.

CHAPTER 46

An Act to Amend Section 62-304, Revised Codes of Montana, 1947, Relating to the Powers and Duties of the State Highway Commission Concerning Wayside Camps and Other Public Conveniences Maintained by the Highway Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 62-304, Revised Codes of Mon-

HeinOnline -- 1955 84 1955

tana, 1947, be, and the same is hereby amended to read as follows:

"62-304. **Powers and Duties.** The commission is hereby authorized and directed to make a study to determine the scenic, historic, archaeologic, scientific and recreational resources of the state, and shall have power by purchase, lease, agreement, or by acceptance of donations, or condemnation, to acquire for and in the name of the state, any such areas, sites or objects which in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state historical sites. The commission shall also have power in its discretion to receive and accept in the name of the state, in fee or otherwise, any such areas, sites, or objects conveyed, entrusted, donated, or devised to the state, and with like discretion to accept gifts, bequests, or contributions of money or other property to be expended or used for any of the purposes of this act; provided, that no contract shall be entered into or other obligation incurred under the provisions of this act until moneys have been appropriated therefor by the legislature or are otherwise made available as herein provided. The commission shall also have jurisdiction, custody and control of all state parks, recreational areas, public camping grounds, historical sites, and monuments which are now under the control and management of the state, *including* wayside camps and other public conveniences acquired, improved and maintained by the state highway commission and contiguous to the state highway system."

Highway commission, powers.

Study and acquisition of parks, recreational areas, monuments, historical sites.

May accept donations, gifts, bequests.

Proviso—limitation on contracts.

Jurisdiction over state parks, etc.

Including wayside parks.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 23, 1955.

CHAPTER 47

An Act to Amend Section 53-120, Revised Codes of Montana, 1947, Relating to Replacing Number Plates; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 53-120, Revised Codes of Mon-

Amending clause.

HeinOnline -- 1955 85 1955

tana, 1947, be, and the same is hereby amended to read as follows:

Replacement number plates, how obtained, fee.

"53-120. (1759.6) **Replacing Number Plates.** In the event of loss, mutilation, or destruction of number plates, the owner of the registered motor vehicle may obtain from the registrar of motor vehicles, duplicates thereof upon filing sworn declaration showing such fact and payment of a fee of *two dollars ($2.00).*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

CHAPTER 48

An Act to Provide for the Support of the Government of Montana for the Years 1955 and 1956.

Be it enacted by the Legislative Assembly of the State of Montana:

Taxes levied, for 1955.

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1955, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to wit:

General fund.

(a) For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by chapter 10 of the session laws of the twenty-third legislative assembly of 1933, two (2) mills, or so much thereof as the state board of equalization may find necessary, under the provisions of section 84-713, Revised Codes of Montana, 1947.

University millage fund.

(b) For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure No. 51 and passed by vote of the people at the general election held November 2, 1948, six (6) mills.

Insane hospital bond issue.

(c) For the state insane hospital bond interest and sinking fund created under referendum measure No. 50, one-half (½) of one (1) mill.

HeinOnline -- 1955 86 1955

(d) For the university of Montana building bond interest and redemption fund created under referendum measure No. 52, one (1) mill. U. of Montana building bond fund.

(e) For the Montana state hospital for the insane bond interest and redemption fund created under referendum measure No. 57, one-half (½) of one (1) mill. State hospital bond fund.

(f) For the Montana state training school bond interest and redemption fund created under referendum measure No. 58, one-half (½) of one (1) mill. State training school bond fund.

Section 2. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1956, as ascertained by taking the percentage of the true and full value provided by law for the purposes of taxation, to wit: Taxes levied for 1956.

(a) For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by chapter 10 of the session laws of the twenty-third legislative assembly of 1933, two (2) mills, or so much thereof as the state board of equalization may find necessary, under the provisions of section 84-713, Revised Codes of Montana, 1947. General fund.

(b) For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure No. 51 and passed by vote of the people at the general election held November 2, 1948, six (6) mills. University millage fund.

(c) For the state insane hospital bond interest and sinking fund created under referendum measure No. 50, one-half (½) of one (1) mill. State insane bond fund.

(d) For the university of Montana building bond interest and redemption fund created under referendum measure No. 52, one (1) mill. U. of Montana building bond fund.

(e) For the Montana state hospital for the insane bond interest and redemption fund created under referendum measure No. 57, one-half (½) of one (1) mill. State hospital bond fund.

(f) For the Montana state training school bond interest and redemption fund created under referendum measure No. 58, one-half (½) of one (1) mill. State training school bond fund.

HeinOnline -- 1955 87 1955

Saving clause.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

CHAPTER 49

An Act to Amend Section 38-214 of the Revised Codes of Montana, 1947, Relating to the Hearing and Examination of Persons Committed to the Montana State Hospital and Fixing the Procedure for Determining Who Shall Pay the Costs of Care and Maintenance and Fixing the Amount the Hospital May Receive for Care and Maintenance.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 38-214 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Hearing, notice to public welfare board.

"38-214. (1444) **Hearing and Examination of Insane Person — Maintenance — Contribution by Relatives — When Had.** (1) When the judge has fixed the time for hearing and examination, as provided in section 38-201, the clerk of court must immediately deliver to the county board of public welfare a written notice giving the name of person named in the affidavit and warrant, his place of residence, and the name of the person making the affidavit,

Investigation within 30 days of financial condition.

and some member of the staff of such board must *within thirty (30) days after the notice is served on the board* make an investigation to ascertain and determine the financial condition of the person named in such affidavit and warrant, the property and value thereof, if any be owned by such person, the income, if any, therefrom, names of relatives, if any, legally liable for the support and maintenance of such person, and their financial condition and ability to pay the cost of such proceeding, transportation to the Montana state hospital, and care and maintenance of such person therein, and shall make a written report of

Report filed with court clerk.

such investigation and file the same with the clerk of the

HeinOnline -- 1955 88 1955

court *and serve a copy of the report upon the superintendent of the Montana state hospital.*

Copy to superintendent of state hospital.

"(2) *It* shall be the duty of the judge, before whom the *sanity* hearing is had, to take evidence as to the financial worth of said person, the property and value thereof owned by him, if any, and the income, if any therefrom, and the financial condition and ability of any and all persons legally liable for his support and maintenance to pay the costs of such proceeding, transportation to the state hospital and care and maintenance of such person therein, and *when* the report of the member of the staff of the county public welfare board making the aforesaid investigation *has been* filed in the office of the clerk of the court *it* shall be considered and deemed a part of such evidence. All evidence introduced shall be reduced to writing and filed in the office of the clerk of said court, together with all orders, subpoenas, affidavits, complaints, warrants and papers used on said hearing or made by said judge, and said clerk shall enter upon the journal of the minutes of probate proceedings a record of all proceedings had, in the same manner as proceedings in probate. *Copies of all the evidence relating to the financial condition of the person shall be sent to the superintendent of the Montana state hospital.*

Judge to take evidence of financial worth of person.

Report part of evidence.

Copies of all evidence to superintendent of state hospital.

"(3) If, *after all of the evidence, including the welfare report has been filed as aforementioned,* it appears from said evidence that such person has any means, money or property out of which the costs of the proceeding, transportation to the state hospital and his maintenance therein, or any part thereof could be paid, it shall be the duty of the judge before whom such hearing is had, to issue a citation to any person or persons in possession of such property, or any thereof, and to the relatives of such person, if any there be in the county of which such person is a resident, citing them to appear and show cause why a guardian should not be appointed for such person, and why said guardian should not be ordered to pay the costs of such proceeding, transportation to the state hospital and cost of the maintenance of such person, or so much thereof as his means will permit, which citation shall be served and all proceedings thereunder conducted as provided by sections 91-4301 to 91-4322, and if it appears to the court that such person has property that can be applied

If means possessed, judge to issue order to show cause on property and costs.

HeinOnline -- 1955 89 1955

towards the payment of the costs of the proceeding, transportation to the state hospital and his maintenance therein, it shall be the duty of the court to make an order to that effect, stating how much of such person's property shall be so applied, the amount to be fixed with due regard to the proper preservation of the estate of such person, provided that the amount fixed for the maintenance of such person in such hospital shall not, in any event, exceed *the sum of three dollars ($3.00) per day for the first ninety (90) days from and after the date of the first admission, and thereafter shall not exceed the sum of two dollars ($2.00) per day.* If it appears to the court that such person has no means, money or property, or not sufficient means, money or property, to pay the costs of the proceeding, transportation to the state hospital and his maintenance therein, but has relatives who are legally liable for his maintenance and support, and upon whom citation has been served as herein provided, who are financially able to pay such costs of proceedings, transportation and maintenance, or a part thereof, it shall be the duty of the court to make an order to that effect, stating therein the names of such relatives, and requiring them to pay such costs of proceedings, transportation and maintenance, in such hospital, or so much thereof as may be fixed in such order; provided that the amount fixed for the maintenance of such person in such hospital shall not, in any event, exceed *the sum of three dollars ($3.00) per day for the first ninety (90) days from and after the date of the first admission, and thereafter shall not exceed the sum of two dollars ($2.00) per day.*

Limitation on amount of maintenance costs.

If relatives financially able and liable, to be ordered to pay.

Limitation on costs.

When indigent and without liable relatives, order to so state.

"(4) If it appears to the court that such person is an indigent and has no relatives legally liable for his support and maintenance the court shall make an order so stating and that such person is to be received at such hospital as an indigent person.

Orders filed, copies to commissioners of county and superintendent of hospital.

"(5) Whenever any order is made by the court directing the payment of the costs of proceeding, transportation and maintenance or any part thereof of any person out of the estate of such person, or by any relatives thereof legally liable for his support and maintenance, such order must be filed in the office of the clerk of the court and such court must make duplicate certified copies thereof, delivering one thereof to the board of county commissioners of

HeinOnline -- 1955 90 1955

such county and transmitting the other thereof to the superintendent of the Montana state hospital."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1955.

CHAPTER 50

An Act to Amend Section 94-100-25 of the Revised Codes of Montana, 1947, Relating to Proceedings on Plea of Guilty or on Conviction in Justice Court and Providing for Judgment Thereon of Fine or Imprisonment, or Both.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 94-100-25 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Justice court—proceedings on guilty plea or conviction.

"94-100-25. (12326) **Proceedings on Plea of Guilty or on Conviction.** When the defendant pleads guilty, or is convicted, either by the court or by a jury, the court must render judgment thereon of fine *or* imprisonment, or both, as the case may be. The judgment must be executed by the sheriff, constable, marshal or policeman of the jurisdiction in which the conviction was had."

Approved February 23, 1955.

CHAPTER 51

An Act to Amend Section 4-349 of the Revised Codes of Montana, 1947, as Amended by Chapter 166, Laws of Montana, 1951, Which Section Forbids Brewers and Wholesalers of Beer to Furnish Property, Except of a Limited and Specified Value, to Retail Licensees, or to be Financially Interested, Directly or Indirectly, in the Conduct or Operation of the Business of a Licensed Retailer, by Providing No Sale or Delivery of Beer Shall be Made to Any Retail Licensee Except for Cash Paid at the Time of or Prior to Delivery Thereof; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith.

HeinOnline -- 1955 91 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4-349 of the Revised Codes of Montana, 1947, as amended by chapter 166 of the laws of Montana, 1951, be, and the same is hereby amended to read as follows:

Brewers and wholesalers not to supply fixtures, etc., to retail licensee.

"Section 4-349 (2815.51). **Brewers and Wholesalers Not to Supply Fixtures, etc., to Retailers, Except as Specified; Brewers Not to be Interested in Retailer Financially.**

"(a) It shall be unlawful for any brewer or wholesaler to lease, furnish, give or pay for any premises, furniture, fixtures, equipment, signs, or any other advertising matter or any other property to any retail licensee, used or to be used in the dispensation of beer in and about the interior or exterior of the place of business of any licensed retailer, or furnish, give, or pay for any repairs, improvements, painting or decorating on or within such premises; pro-

Exceptions.

vided, however, that it shall be lawful for a brewer or wholesaler to furnish, give or loan to a retail licensee,

1. Bottle openers, can openers and trays, with or without advertising matter thereon;

Advertising matter.

2. Advertising matter or novelties, of a value of not to exceed fifteen dollars ($15.00) in any calendar year, to any one retailer for display use on the interior of said retailer's place of business; and

Illuminated or electrical signs.

3. Not more than two (2) illuminated or electrical signs, each of not more than three hundred (300) square inches in area, and both not in excess of fifty dollars ($50.00) in value, exclusive of installation charges, which signs may bear the name, brand name, trade name, trade-mark or other designation indicating the name of the manufacturer, and the place of manufacture, of beer, for display by the retail licensee on and within the interior of his place of business, or in the windows inside the place of business of the licensed retailer, and only if the particular brand of beer so advertised on such signs is actually available for sale on the licensee's premises, at the time of such display.

Advance or loan forbidden.

"(b) No brewer or wholesaler shall advance or loan money to, or furnish money for, or pay for or on behalf of any retailer, for any license or tax which may be required to be paid for any retailer, and no brewer or whole-

HeinOnline -- 1955 92 1955

saler shall be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer, as herein defined."

7-day cash sale required.

(c) No sale or delivery of beer shall be made to any retail licensee, except for cash paid within seven (7) days after the delivery thereof, and in no event shall any brewer or wholesaler extend more than seven (7) days' credit on account of such beer to a retail licensee, nor shall any retail licensee accept or receive delivery of such beer without agreement to pay in cash therefor within seven (7) days from delivery thereof. A correctly dated check which is honored upon presentment shall be considered as cash within the meaning of this act. Any extension or acceptance of credit in violation hereof shall be regarded and construed as rendering or receiving financial assistance, and the licenses of both brewers, wholesalers and retail licensees involved in violations hereof shall be suspended or revoked, as determined by the board in its discretion.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1955.

CHAPTER 52

An Act to Amend Section 75-3403, Revised Codes of Montana, 1947, as Amended by Chapter 163 of the Session Laws of 1951; Relating to School Busses, Depreciation Reserves Therefor; Upkeep, Rent, and Term of Contract; Providing for Term of Contract of Five (5) Years; and Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-3403, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

School board may operate busses.

"Section 75-3403. **School Board May Operate Busses or Contract for Transportation of Pupils — School Board May Set up Depreciation Reserve for Purchase of Replacement Busses.** The board of trustees shall have the power to purchase, or rent and provide for the upkeep, care and

HeinOnline -- 1955 93 1955

operation of school busses; or to contract and pay for the transportation of eligible pupils, such contracts to run for terms not to exceed *five (5) years;* and provided further, that each district owning a school bus or busses may levy a sufficient number of mills to create a reserve of not to exceed twelve and one-half percent (12½%) per year of the original cost of the bus or busses for which the reserve is created; said fund to be kept separate and apart from all other funds, and to be used only for the purchase of the bus or busses needed to replace the bus or busses for which said reserve was created, unless authorized by a majority of the votes cast by the qualified electors of the district at an election called for that purpose.''

Contract—5-year limit.

District-owned busses—levy for replacement.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1955.

CHAPTER 53

An Act to Amend Section 75-2901, Revised Codes of Montana, 1947, Relating to Compulsory Education, Age, Grade and Required Subjects; Employment During School Session, when Necessary for Family Support; Home Instruction; Excuses From Attendance for Hardship; Appeal to District Court; Penalty; and to Amend Section 75-2902, Revised Codes of Montana, 1947, Relating to Employment of Children Under Sixteen (16) When Public Schools Are in Session; Age and Schooling Certificate; by Whom Issued, Contents; Certificate Issued When Wages Necessary for Family Support; Examination of Certificate, Return of Certificate; and Providing for a Penalty; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-2901 and section 75-2902, Revised Codes of Montana, 1947, be, and the same are hereby amended to read as follows:

HeinOnline -- 1955 94 1955

"75-2901. (1135) **Compulsory Attendance — Excuses.** Compulsory attendance and instruction of children. All parents, guardians, and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, language, English grammar, geography, history and civics, physiology and hygiene, and arithmetic. Every parent, guardian, or other person, having charge of any child between the ages of eight (8) and sixteen (16) years, shall send such child to a public, private, or parochial school, in which the basic language taught is English, for the time that the school attended is in session, provided, however, that children *sixteen (16)* years of age or over who have successfully completed the school work of the eighth grade, or whose wages are necessary to the support of the family of such child, may be employed during the time that the public schools are in session upon making the proof and securing the age and schooling certificate provided for in the following section. School attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city and other districts having such superintendent, or by the clerk of the board of trustees in districts not having such superintendent, or by the principal of the private or parochial school, upon satisfactory showing either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, to teach the branches named in this section; provided, that the county superintendent may excuse children from attendance upon such schools where, in his judgment the distance makes such attendance an undue hardship. In case the county superintendent, city superintendent, principal, or clerk refuses to excuse a child from attendance at school, an appeal may be taken from such decision to the district court of the county, upon giving a bond, within ten (10) days after such refusal, to the approval of said court, to pay all costs of the appeal; and the decision of the district court in the matter shall be final. Any parent, guardian or other person having the care or custody of a child between the ages of eight (8) and sixteen (16) years, who shall fail to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction

16-year-old, when may not attend.

Excused non-attendance.

Appeal procedure.

Penalty.

HeinOnline -- 1955 95 1955

thereof shall be fined not less than five dollars ($5.00) nor more than twenty dollars ($20.00)."

Employment of children under 16 forbidden.

"Section 75-2902. (1136) **Employment of Children Under Sixteen.** No child under sixteen (16) years of age shall be employed or be in the employment of any person, firm, company or corporation during the school term, and while the public schools are in session in the district in which such child lives, unless such child shall present to such persons, firm, company, or corporation an age and schooling certificate. Such certificate shall be issued by the city superintendent of schools or principal of schools, or by some person duly authorized by him, and in districts not having a city superintendent or principal, by the county superintendent of schools upon satisfactory proof that such child is of the age of *sixteen (16)* years or over, and has successfully completed the eighth grade as the same is designated and determined by the state board of education; provided, also, that in case the wages of any child over *sixteen (16)* years of age are necessary to the support of the family of such child, the city superintendent of schools, or principal of schools, or county superintendent, as the case may be, may, upon production of satisfactory evidence that the wages of such child are necessary to the support of the family, issue a certificate permitting the employment of such child, even though the said child may not have completed said eighth grade work. The age and schooling certificate shall be formulated by the superintendent of public instruction, and blank certificates shall be furnished by the clerk of the board of trustees.

Age and schooling certificate.

Schooling not required, when need shown.

Duty of employer to exact certificate, notify schools.

"Every person, firm, company, or corporation employing any child under sixteen (16) years of age shall exact the age and schooling certificates, or the certificate permitting the employment of such child, prescribed in this section, and shall, upon the request of the truant officer or other authorized person by school trustees, permit him to examine such certificates. When, however, employment of such child ceases, the employer shall promptly return to the city superintendent of schools, or principal of schools, or county superintendent of schools of such district where said child resides, the age and schooling certificate or certificate permitting the employment of such child. Any person, firm, company, or corporation employing any child contrary to the provisions of this chapter shall be

Penalty.

HeinOnline -- 1955 96 1955

fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each and every offense; provided, however, that nothing in this act shall be construed to interfere with the employment of a child during the time school is not actually in session."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

CHAPTER 54

An Act Designating the Officers in Cities Operating Under the Commission-manager Form to Execute Conveyances of Real Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Commission-manager cities—how land conveyed.

Section 1. In all cities operating under the commission-manager form in Montana, the mayor is hereby designated as the proper officer to execute conveyances of real property; however, a majority of the commission may designate the city manager to execute a conveyance. In either case, the authority to act shall be authorized by the passage of a resolution.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

CHAPTER 55

An Act to Amend Section 4-333 of the Revised Codes of Montana, 1947, as Amended by Chapter 165, Laws of the Thirty-first Legislative Assembly, 1949, Relating to the Powers of the Montana Liquor Control Board in the Issuing of Retail Beer Licenses, the Number of Such Licenses That May be Issued, the Lapse and Cancellation of Such Licenses for Non-user; Repealing Section 4-340 of the Revised Codes of Montana, 1947, Relating to the Powers of Said Board to Issue Retail Beer Licenses to Retailers Outside of Cities, Towns and Villages; Repealing All Acts and Parts of Acts in Conflict Herewith.

HeinOnline -- 1955 97 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4-333 of the Revised Codes of Montana, 1947, as previously amended by chapter 165, laws of the thirty-first legislative assembly, 1949, be, and the same is hereby amended to read as follows:

Retail beer licenses, issuance of.

"4-333. (2815.36) *Issuance of Retail Beer Licenses — Limit on Number of — Off-Premises Beer Licenses — Lapse and Cancellation. (1) Except as otherwise provided by law, a license to sell beer at retail in accordance with the provisions of this act and the regulations of the Montana liquor control board, may be issued to any person, firm or corporation who shall be approved by a majority of the board as a fit and proper person, firm or corporation to sell beer; provided, that the number of retail beer licenses that the board may issue shall be determined as follows:*

Limitation on number, incorporated towns.

(a) The number of *retail beer* licenses *that* the board may issue *for premises situated within incorporated cities and incorporated towns and within a distance of five (5) miles from the corporate limits of such cities and towns* shall be determined *on the basis of population as shown by the most recent* official United States census authorized by congress, to wit: In *incorporated* towns of five hundred (500) inhabitants or less and within a distance of five (5) miles from the *corporate limits of such towns,* not more than two (2) retail beer licenses to be used in conjunction with retail liquor licenses and not more than one (1) additional retail beer license which shall not be used in conjunction with a retail liquor license; in *incorporated* cities *or incorporated* towns of more than five hundred (500) inhabitants and not over two thousand (2000) inhabitants and within a distance of five (5) miles from the corporate limits of *such* cities or towns, two (2) retail beer licenses for the first five hundred (500) inhabitants and one (1) retail beer license for each additional five hundred (500) inhabitants, which said *retail* beer licenses shall be used in conjunction with retail liquor licenses, and one (1) additional beer license for each five hundred (500) inhabitants which said beer license shall not be used in conjunction with retail liquor licenses; in *incorporated* cities *of* over two thousand (2000) inhabitants and within a distance of five (5) miles *from the corporate limits of such cities,* five (5) retail beer licenses for the first two thousand (2000) inhabitants and one (1) retail beer license for each addi-

HeinOnline -- 1955 98 1955

tional one thousand (1000) inhabitants which said retail beer licenses shall be used in conjunction with retail liquor licenses, and two (2) additional retail beer licenses for the first two thousand (2000) inhabitants or major fraction thereof and one (1) additional *retail* beer license for each additional two thousand (2000) inhabitants which shall not be used in conjunction with retail liquor licenses. *The* number of the inhabitants in *such* cities and towns, *exclusive of* the number of inhabitants residing *within a* distance of five (5) miles *from the corporate limits thereof,* shall govern *the number of retail beer licenses that may be issued for use within such cities and towns and within a distance of five (5) miles from the corporate limits thereof; provided, that where two (2) or more incorporated municipalities are situated within a distance of five (5) miles from each other, the total number of retail beer licenses that may be issued for use in both of such municipalities and within a distance of five (5) miles from their respective corporate limits, shall be determined on the basis of the combined populations of both of such municipalities and shall not exceed the foregoing limitations. The* said distance of five (5) miles from the corporate limits of *any incorporated city or incorporated town* shall be measured in a straight line from the nearest entrance of the premises *proposed for licensing* to the nearest *corporate* boundary of such city or town. *Retail beer licenses of issue on the date of the passage and approval of this act and which are in excess of the foregoing limitations shall be renewable, but no new licenses shall be issued in violation of such limitations; provided, that such limitations* shall not prevent the *issuance* of *a* nontransferable and nonassignable retail beer license to any post of a *nationally chartered veterans' organization or any lodge of a recognized national fraternal organization, if such veterans' or fraternal organization has been* in existence for *a period of* five (5) years or more prior to January 1, 1949. *No incorporated city or incorporated town may by ordinance restrict the number of licenses that the board may issue; provided that no retail beer license may be issued by the board for any premises situated within any zone of such city or town wherein the sale of beer is prohibited by ordinance, a certified copy of which has been filed with the board. The board shall have discretion to deny the issuance of a retail beer license if it shall determine*

Exemption for certain organizations.

Limitation on power of city or town.

Board's discretion.

HeinOnline -- 1955 99 1955

that the premises proposed for licensing are off regular police beats and cannot be properly policed by local authorities.''

Outside incorporated city or town, board's discretion.

(b) The number of retail beer licenses that the board may issue for use at premises situated outside of any incorporated city or incorporated town and outside of the area within a distance of five (5) miles from the corporate limits thereof, or for use at premises situated within any unincorporated town shall be as determined by the board in the exercise of its sound discretion; provided, that no retail beer license shall be issued for any premises so situated unless the board shall determine that the issuance of such license is required by public convenience and necessity.

Off-premise consumption license, number in board's discretion.

(2) A retail license to sell beer in the original packages for off-premises consumption only may be issued to any person, firm or corporation who shall be approved by a majority of the board as a fit and proper person, firm or corporation to sell beer. The number of such licenses that the board may issue shall not be limited by the provisions of subsection (1) of this section, but shall be determined by the board in the exercise of its sound discretion, and the board may in the exercise of its sound discretion grant or deny any application for any such license or suspend or revoke any such license for cause. The annual license fee for a license to sell beer at retail for off-premises consumption shall be the same as for a retail beer license.

Lapse of license for non-use.

(3) From and after February 1, 1949, any retail license issued pursuant to this act (including any retail license to sell beer for off-premises consumption), not actually used in a going establishment for a period of ninety (90) days, shall automatically lapse. Upon determining the fact of nonuser for such period the board shall cancel such license of record and no portion of the fee paid therefor shall be refundable. Exception for seasonal business. *The provisions of this subsection shall not apply to the license of any licensee whose premises are operated on a seasonal basis in connection with a bona fide dude ranch, resort, park hotel, tourist facility or like business, provided such licensee has secured written authority from the board to close his licensed premises for a specified period of greater than ninety (90) days' duration.''*

HeinOnline -- 1955 100 1955

Section 2. That section 4-340 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed. Repealing Section 4-340, R.C.M. 1947.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 26, 1955.

CHAPTER 56

An Act to Amend Section 4-403 of the Revised Codes of Montana, 1947, as Amended by Chapter 164, Laws of the Thirty-first Legislative Assembly, 1949, and as Further Amended by Chapter 144, Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Powers of the Montana Liquor Control Board in the Issuing of Retail Liquor Licenses; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 4-403 of the Revised Codes of Montana, 1947, as amended by chapter 164, laws of the thirty-first legislative assembly, 1949, and chapter 144, laws of the thirty-second legislative assembly, 1951, be, and the same is hereby further amended to read as follows: Amending clause.

"4-403. *Issuance of Retail Liquor Licenses* — **Limit on Number of Licenses** — *Retail Wine Licenses — Lapse and Cancellation. (1) Except as otherwise provided by law, a license to sell liquor at retail in accordance with the provisions of this act and the regulations of the Montana liquor control board, may be issued to any person who shall be approved by a majority of the board as a fit and proper person to sell liquor; provided, that* the number of *retail liquor* licenses which the board may issue shall be determined *as follows:* Board to issue retail liquor licenses.

(a) The number of retail liquor licenses that the board may issue for premises situated within incorporated cities and incorporated towns and within a distance of five (5) miles from the corporate limits of such cities and towns shall be determined on the basis of population as shown by the most recent official United States census authorized by congress, to wit: In *incorporated* towns of five hundred (500) inhabitants or less and within a distance of five (5) Limitation on number incorporated cities and towns.

HeinOnline -- 1955 101 1955

miles from the *corporate limits* of *such* towns, not more than two (2) retail liquor licenses; in *incorporated* cities or *incorporated* towns of more than five hundred (500) inhabitants and not over two thousand (2000) inhabitants and within a distance of five (5) miles from the corporate limits of *such* cities and towns, two (2) retail liquor licenses for the first five hundred (500) inhabitants and one (1) retail liquor license for each additional five hundred (500) inhabitants; in *incorporated* cities *of* over two thousand (2000) inhabitants and within a distance of five (5) miles *from the corporate limits* thereof, five (5) retail liquor licenses for the first two thousand (2000) inhabitants and one (1) retail liquor license for each additional one thousand (1000) inhabitants. The number of the inhabitants in *such* cities and towns, *exclusive of* the number of inhabitants residing *within a distance of* five (5) miles *from the corporate limits thereof, shall govern the number of retail liquor licenses that may be issued for use within such cities and towns and within a distance of five (5) miles from the corporate limits thereof; provided, however, that where two (2) or more incorporated municipalities are situated within a distance of five (5) miles from each other, the total number of retail liquor licenses that may be issued for use in both of such municipalities and within a distance of five (5) miles from their respective corporate limits, shall be determined on the basis of the combined populations of both of such municipalities and shall not exceed the foregoing limitations.* The said distance of five (5) miles from the corporate limits of *any incorporated city or incorporated town* shall be measured in a straight line from the nearest entrance of the premises *proposed for licensing* to the nearest *corporate* boundary of such city or town. *Retail liquor licenses of issue on the date of the passage and approval of this act and which are in excess of the foregoing limitations shall be renewable, but no new licenses shall be issued in violation of such limitations; provided that such limitations shall not prevent the issuance of a nontransferable and nonassignable retail liquor license to any post of a nationally chartered veterans' organization or any lodge of a recognized national fraternal organization, if such veterans' or fraternal organization has been in existence for a period of five (5) years or more prior to January 1, 1949. No incorporated city or incorporated town may by ordinance restrict the number of*

Existing licenses protected.

Exemption for certain organizations.

HeinOnline -- 1955 102 1955

licenses that the board may issue; provided that no retail license may be issued by the board for any premises situated within any zone of a city or town wherein the sale of liquor is prohibited by ordinance, a certified copy of which has been filed with the board. The board shall have discretion to deny the issuance of a retail license if it shall determine that the premises proposed for licensing are off regular police beats and cannot be properly policed by local authorities.''

Board's powers in respect to ordinances.

(b) The number of retail liquor licenses that the board may issue for use at premises situated outside of any incorporated city or incorporated town and outside of the area within a distance of five (5) miles from the corporate limits thereof, or for use at premises situated within any unincorporated town shall be as determined by the board in the exercise of its sound discretion; provided that no retail liquor license shall be issued for any premises so situated unless the board shall find that the issuance of such license is required by public convenience and necessity.

Board's discretion outside corporate limits.

(2) From and after February 1, 1949, any retail license issued pursuant to this act not actually used in a going establishment for a period of ninety (90) days, shall automatically lapse. Upon determining the fact of nonuser for such period the board shall cancel such license of record and no portion of the fee paid therefor shall be refundable. The provisions of this subsection shall not apply to the license of any licensee whose premises are operated on a seasonal basis in connection with a bona fide dude ranch, park hotel, tourist facility or like business, provided such licensee has secured written authority from the board to close his licensed premises for a specified period of greater than ninety (90) days' duration.

Lapse for non-user.

Exception for seasonal business.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 26, 1955.

CHAPTER 57

An Act to Amend Section 71-308, Revised Codes of Montana, 1947, as Amended by Chapter 199 of the Laws of the Thirty-second Legislative Assembly of the State of

HeinOnline -- 1955 103 1955

Montana, 1951, Relating to Medical Aid and Hospitalization for Persons Unable to Provide Such Necessities for Themselves and Providing That in Accident Cases, Such Medical Aid and Hospitalization Shall be Paid for by the County Wherein the Accident Occurs and Providing for Reimbursement Therefor by the State Department of Public Welfare, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 71-308, Revised Codes of Montana, 1947, as amended by chapter 199 of the laws of the thirty-second legislative assembly of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Medical aid and hospitalization responsibility of county poor fund.

"71-308. **Medical Aid and Hospitalization.** Medical aid and hospitalization for persons unable to provide such necessities for themselves are hereby declared to be the legal and financial duty and responsibility of the board of county commissioners, payable from the county poor fund. It shall be the duty of the board of county commissioners to make provisions for competent and skilled medical or surgical services as approved by the state board of health or the state medical association, or in the case of osteopathic practitioners by the state osteopathic association or chiropractors by the state chiropractic association, or optometrical services as approved by the Montana optometric association, and dental services as approved by the dental association. 'Medical' or 'medicine' as used in this act refers to the healing art as practiced by licensed practitioners.

Commissioners' duties.

"Medical" or "medicine" defined.

Transient automobile cases, reimbursement to county.

"In automobile accident cases wherein transients traveling through the State of Montana are injured, medical aid and hospitalization shall be paid for by the county wherein the accident occurred and the department of public welfare shall reimburse such county in full upon proper claim being made to the department of public welfare; *provided, further, that in all other accident cases wherein such transients are injured, medical aid and hospitalization shall be paid for by the county wherein the accident occurred and the department of public welfare shall reimburse such county for one-half of such medical aid and hospitalization paid by such county, upon proper claim being made to the department of public welfare.*"

Proviso, other transient cases, ½ reimbursement to county.

HeinOnline -- 1955 104 1955

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 26, 1955.

CHAPTER 58

An Act to Amend Sections 84-4922, and 84-4923, Revised Codes of Montana, 1947, Relating to the Time in Which a Taxpayer May File an Application for Refund of Income Tax and Begin an Action to Review the Decision of the Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 84-4922, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-4922. (2295.22) **Revision — Application — Hearing — Adjustment.** If an application for revision be filed with the board by a taxpayer within *three (3)* years from the *original due date* of the return or if the tax of such taxpayer has been recomputed, then from the time of such recomputation, the board shall grant a hearing thereon, and if it is made to appear upon any such hearing by evidence submitted to it or otherwise, that any such computation includes taxes or other charges which could not have been lawfully demanded, or that payment has been illegally made or exacted of any such amount so computed, the board shall resettle the same according to law and the facts, and adjust the computation of taxes accordingly, and shall send notice of its determination thereon to the taxpayer." State income tax—revision, application—filing time. Hearing. Revision.

Section 2. That section 84-4923, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-4923. (2295.23) **Review of Board's Findings on Application for Revision — Appeal to Supreme Court.** The determination of the board upon any application made to it by any taxpayer for revision and resettlement of any computation of tax as described by this act, may be reviewed, both upon the law and the facts upon certiorari by the district court of the county wherein the taxpayer is resident, or in the case of nonresidents, by the district court Review, procedure, appeal.

HeinOnline -- 1955 105 1955

of Lewis and Clark county, at the instance of any person or association affected thereby, and in the name and on behalf of the people of the state. For the purpose of such review the board shall return on such certiorari, the accounts and all the evidence before it on such application, and all the papers and proofs upon the original statement of such account and all proceedings thereon. If the original or resettled accounts are found erroneous or illegal either in point of law or fact, by the court, upon any such review, the accounts reviewed shall then be corrected and restated, and from any determination of such court upon any such review, an appeal to the supreme court may be taken by either party. No certiorari to review any statement of a computation or any determination by the board under this act shall be granted unless notice of application therefor is made within *ninety (90) days* after the service of the notice of such determination. Eight (8) days' notice shall be given to the department of the application for such writ. Before making the application, an undertaking must be filed with it in such amount and with such sureties as a judge of the court shall approve, to the effect, that if such writ is dismissed or the determination of the board affirmed, the applicant for the writ will pay all costs and charges which may accrue against him in the prosecution of the writ, including costs of all appeals."

Time limitation for review—90 days.

Approved February 26, 1955.

CHAPTER 59

An Act Relating to the Duty of Physicians and Other Practitioners to Report to the Local Health Officer Every Person Who is Diagnosed as Being Subject to Epileptic Type Seizures or Similar Disorders Characterized by Lapse of Consciousness or Control; Providing for the Local Health Officer to Forward Such Reports to the Executive Officer of the State Board of Health; Providing for the Executive Officer of the State Board of Health to Forward Such Reports to the Montana Highway Patrol Board; Providing That All Such Reports Are Confidential; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 106 1955

Reports required of diagnosis of epileptic type seizures, to health board.

Section 1. Whenever a physician or other practitioner authorized to diagnose epilepsy or epileptic type seizures treats or attends any person diagnosed as being subject to epileptic type seizures or similar disorders characterized by lapse of consciousness or control, either temporary or prolonged, which is or may become chronic, said physician or other practitioner shall report the full name, address, sex and date of birth of the person so diagnosed immediately to the local health officer in writing. The local health officer shall in turn forward such reports to the executive officer of the state board of health not later than Saturday of each week. The executive officer of the state board of health shall forward the reports to the Montana highway patrol board at least once each month. The executive officer of the state board of health may make recommendations to the said board as to the licensing of the person or persons so reported to drive or operate motor vehicles on the public highways of the State of Montana and said officer may require the reported person to authorize a doctor who is familiar with such case to forward a certificate or case report to the executive officer of the state board of health, or require that a physical examination be made by a medical doctor designated by the executive officer of the state board of health and forwarded to the executive officer of the state board of health within ten (10) days. The person reported as being subject to such seizures or lapse of consciousness or control may himself or herself cause a written report concerning his or her affliction or disability to be forwarded to the executive officer of the state board of health by a doctor of his choice. All reports required by this section shall be confidential and used by the board solely to determine the qualifications of such persons to operate motor vehicles upon the highways of this state.

Reports to highway patrol board.

Recommendations as to driver's licensing.

Report by person authorized.

Reports confidential.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1955.

Section 3. This act shall be in full force and effect from and after July 1, 1955.

Approved February 26, 1955.

HeinOnline -- 1955 107 1955

CHAPTER 60

An Act to Amend Section 31-127, Revised Codes of Montana, 1947, Relating to the Licensing of Persons Operating Motor Vehicles Upon Highways in the State of Montana and Relating to What Persons Shall Not be Licensed; and Providing That No License Shall be Issued to Any Persons Suffering From or Who Have Suffered From Any Form of an Epileptic Type Seizure or Similar Disorder Characterized by Lapse of Consciousness; Except That the Board May in Its Discretion Issue a License Under Certain Circumstances.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-127 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Who may not be licensed to drive.

"Section 31-127. **What Persons Shall Not Be Licensed.** The board shall not issue any license hereunder:

Operator under 15.

Exception.

1. To any person, as an operator, who is under the age of fifteen (15) years, except that the board may issue a restricted license as hereinafter provided to any person who is at least thirteen (13) years of age;

Chauffeur under 18, for passenger carriage, under 21.

2. To any person, as a chauffeur, employed by another for the principal purpose of driving a motor vehicle when in use exclusively for the transportation of property for compensation, who is under the age of eighteen (18) years, nor to any person, as a chauffeur, who is employed by another for the principal purpose of driving a motor vehicle transporting passengers for hire or transporting school children, who is under the age of twenty-one (21) years:

Where license suspended or revoked.

3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in section 31-149;

Drunkards, drug addicts.

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

Mentally disabled, not restored to capacity.

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at

HeinOnline -- 1955 108 1955

the time of application been restored to competency by the methods provided by law;

When not examined as required by law.

6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination;

Failure to deposit required proof of responsibility.

7. To any person who is required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof.''

Persons subject to epileptic type seizures.

8. To any person as an operator or chauffeur, who is suffering from any form of epileptic type seizures or similar disorders characterized by lapse of consciousness or control, either temporary or prolonged, which is or may become chronic; Proviso. *provided that the board may in its discretion issue a license to a person suffering from epileptic type seizures or similar disorder characterized by lapse of consciousness or control, if otherwise qualified to be licensed to drive a motor vehicle, when the afflicted person can show that he has not experienced an epileptic type seizure or similar disorder characterized by lapse of consciousness or control for a period of two (2) years and when recommended by the state health officer as being controlled medically or otherwise to the degree that the affliction will not interfere with the safe operation of a motor vehicle.*

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1955.

Section 3. This act shall be in full force and effect from and after July 1, 1955.

Approved February 26, 1955.

CHAPTER 61

An Act to Allow the State Board of Land Commissioners to Exchange Certain State Lands With the United States for Military Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Land commissioners empowered to exchange certain lands with U. S.

Section 1. The state board of land commissioners of the State of Montana is hereby authorized and empowered to exchange any state lands not to exceed ten thousand (10,-

HeinOnline -- 1955 109 1955

000) acres within its jurisdiction located in Valley county, Montana, needed by the United States air force for military purposes, the exchange to be made with the United States or any department thereof having jurisdiction for lands within the boundaries of Montana of equal or greater value, the conditions of exchange to be as permitted by the constitution of Montana and the enabling act.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

CHAPTER 62

An Act to Amend Section 91-3102, Revised Codes of Montana, 1947, Relating to the Manner of Obtaining Authority to Mortgage Estate Property by Adding to the Authority of the Personal Representative of the Decedent or Any Person Interested in His Estate the Authority to Pay, Reduce, Extend or Renew the Payment of Any Promissory Notes Secured by a Lien or Mortgage, and Providing for the Repealing of All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 91-3102, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Manner of obtaining authority to mortgage.

"91-3102. (10250) **Manner of Obtaining Authority to Mortgage — Petition, Contents and Filing.** To obtain an order to mortgage such realty, the proceedings to be taken and the effect thereof must be as follows:

Petition.

The executor, administrator, or any person interested in the estate may file a verified petition showing: The particular purpose or purposes for which it is proposed to make the mortgage, which shall be either to pay the debts, legacies, or charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said realty, or some part thereof, *and to pay, reduce, extend or renew the payment of the promissory note secured by such lien or mortgage;* a statement of the debts, legacies, charges of administration, liens, or mort-

Contents.

HeinOnline -- 1955 110 1955

gages to be paid, reduced, extended, or renewed, as the case may be; the advantage that may accrue to the estate from raising the required money by mortgage, or providing for the payment, reduction, extension, or renewal of the subsisting liens, or mortgages, as the case may be; the amount to be raised, with a general description of the property proposed to be mortgaged; and the names of the legatees and devisees, if any, and of the heirs of the deceased, so far as known to the petitioner.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

CHAPTER 63

An Act to Amend Section 16-1717, Revised Codes of Montana, 1947, Providing for Creation of Noxious Weed Fund by County Commissioners, Mill Levy Therefor and Expenditure Thereof; and Providing for Reversion of Proceeds to the Weed Fund From Work Done or Chemicals Sold.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-1717 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Creation of noxious weed fund.

''16-1717. **Creation of Noxious Weed Fund by County Commissioners — Expenditure Thereof.** The board of county commissioners of any county in this state may create a noxious weed control and weed seed extermination fund, either by appropriating money from the general fund of the county, or at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding two (2) mills on the dollar of total taxable valuation in such county, the proceeds of which shall be used solely for the purpose of promoting the control of noxious weeds or extermination of weed seed in said county and shall be designated to 'noxious weed fund' *and any proceeds from work or chemical sales shall revert to the noxious weed fund and shall be available for re-use within the fiscal year.* This fund shall be kept separate and distinct by the county treasurer,

Appropriation or levy.

Adding proceeds from sales.

HeinOnline -- 1955 111 1955

Payments from fund.

and shall be expended by the commissioners at such time, and such manner, as is by said supervisors deemed best to secure the control and extermination of noxious weeds and weed seed. Warrants upon such fund shall be drawn by the supervisors, provided that no warrants shall be drawn except upon claims duly itemized by the claimant, except pay roll claims which shall be itemized and certified by the supervisors, each such claim shall be presented to board of county commissioners for its approval before the warrant therefor shall be countersigned by the commissioners."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

CHAPTER 64

An Act Relating to Common Trust Funds; and the Creation Thereof by Banks and Trust Companies Qualified to Act as Fiduciary, and to Make Uniform the Law With Reference Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Qualified banks may establish common trust funds.

Section 1. Any bank or trust company qualified to act as fiduciary in this state may establish common trust funds for the purpose of furnishing investments to itself as fiduciary, or itself and others, as cofiduciaries; and may, as such fiduciary or cofiduciary, invest funds which it lawfully holds for investment in interests in such common trust fund, if such investment is not prohibited by the instrument, judgment, decree or order creating such fiduciary relationship, and if in the case of cofiduciaries, the bank or trust company procures the consent of its cofiduciary or cofiduciaries to such investment: Provided,

Provided, non-members federal reserve subject to rules of state examiner.

that any bank or trust company qualified to act as fiduciary in this state, which is not a member of the federal reserve system, shall, in operation of such common trust fund, comply with the rules and regulations as made from time to time by the state examiner and ex officio superintendent of banks and he is hereby authorized and empowered to make such rules and regulations as he may deem necessary and proper in the premises.

HeinOnline -- 1955 112 1955

Section 2. Unless ordered by a court of competent jurisdiction the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the district court, secure approval of such an accounting on such conditions as the court may establish.

No court accounting unless required or requested.

Section 3. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Uniform interpretation.

Section 4. This act may be cited as the uniform common trust act.

Cited as "Uniform Common Trust Act."

Section 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Saving clause.

Section 6. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

Section 7. This act shall apply to fiduciary relationships in existence at the time this act takes effect or thereafter established.

Application to fiduciary relationships existing.

Approved February 26, 1955.

CHAPTER 65

An Act to Amend Section 2 of Chapter 205 of the Session Laws of the Thirty-third Legislative Assembly, 1953, Relating to the Filing and Enforcing of a Lien Upon Grains or Crops for Labor or Service Performed, and Materials Furnished in Crop Dusting or Spraying Such Grains or Crops; Providing That the Time for Filing Such Liens Shall be Sixty (60) Days After the Last Labor or Service Was Performed or Material Furnished in Crop Dusting or Spraying Grains or Crops, and Fixing the Effective Date of Said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2 of chapter 205 of the session laws of the thirty-third legislative assembly of the State

Amending clause.

HeinOnline -- 1955 113 1955

of Montana, 1953, be, and the same is hereby amended to read as follows:

Crop dusting lien, procedure.

Filing time increased.

"Section 2. Any person, firm, corporation or copartnership who is entitled to a lien under this act shall, within *sixty (60)* days after the last labor or service was performed or material furnished in crop dusting or spraying grains or crops file in the office of the county clerk and recorder of the county in which said grains or crops were grown, a just and true account of the amount due for such services, labor or material after allowing all proper credits and offsets and containing a description of the grain or crops to be charged with such lien, the price agreed upon for such labor or service or material, or if no price was agreed upon the reasonable value of the same, together with the name of the person, firm or corporation for whom such labor or services were performed or material furnished, and a description of the lands as nearly as possible, upon which said grains or crops were raised, which statements of fact shall be verified by affidavit of the person, firm, corporation or copartnership claiming such lien, or his, their or its duly authorized agent or attorney, having knowledge of the facts."

Effective immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1955.

CHAPTER 66

An Act to Provide a Per Diem Allowance in Lieu of Actual Expenses for Subsistence for Persons Engaged in Traveling Under Any State Department; Providing for the Computation of Such Per Diem Allowance on a Quarterly Basis; Requiring Said Persons to Submit Periodic Schedules of Expenses to the Board of Examiners; Providing for the Filing of Such Schedules of Expenses and Repealing Sections 59-521 to 59-529, Inclusive, Revised Codes of Montana, 1947, as Amended by Chapter 64 of the 1953 Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Terms defined.

Section 1. **Definitions.** When used in this act —

HeinOnline -- 1955 114 1955

(a) The term "subsistence" means lodging, meals and other necessary expenses incidental to the personal sustenance or comfort of the traveler, including fees or tips to porters and stewards.

(b) The term "per diem allowance" means a daily flat rate of payment in lieu of actual expenses.

Section 2. **Expenses of Persons in State Service — Per Diem Allowance.**

Expenses of persons in state service.

Every person engaged in any service in every department of state, inclusive of persons in appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, supervisory or extension work or otherwise, of every kind and character, shall be allowed, for the time engaged in such travel, in lieu of the actual expenses for subsistence, a per diem allowance at the rate of seven dollars ($7.00) per day for such travel within the State of Montana and at the rate of ten dollars ($10.00) per day for such travel outside the State of Montana; provided, that the provisions of this act shall not apply to persons holding offices specifically provided for in section 93-305, Revised Codes of Montana, 1947; or section 93-313, Revised Codes of Montana, 1947; and provided, further, that nothing herein contained shall be construed as affecting the validity of section 43-310, Revised Codes of Montana, 1947.

Per diem allowance.

Section 3. **Computation of Per Diem Allowance.** In computing the per diem in lieu of subsistence for continuous travel of more than twenty-four (24) hours, the calendar day, midnight to midnight, shall be the unit, and for fractional parts of a day at the commencement or ending of such continuous travel, constituting a travel period, one-fourth (¼) of the rate for a calendar day shall be allowed for each period of six (6) hours or fraction thereof. When a change in the per diem rate is made during a day, the rate of per diem in effect at the beginning of the quarter in which the change occurs shall continue to the end of such quarter. For continuous travel of twenty-four (24) hours or less, constituting a travel period, such period shall be regarded as commencing with the beginning of the

Per diem, how computed.

HeinOnline -- 1955 115 1955

travel and ending with the completion thereof, and for each six (6) hour portion of the period or fraction thereof one-fourth (¼) of the rate for a calendar day shall be allowed; provided, however, that no per diem, excepting an allowance not to exceed one dollar and twenty-five cents ($1.25) per day for moneys actually expended for mid-day meals, shall be allowed when the departure is at or after 8:00 A. M. and the return on the same day is at or prior to 6:00 P. M. In no case shall any per diem or allowance whatsoever be paid for any absence not exceeding three (3) hours.

Schedule of expenses, form.

Section 4. **Schedule of Expenses — Form.** Every such person so engaged shall render to the board of examiners periodically, as prescribed by said board, a schedule of expenses and amounts claimed for said period, in a form to be prescribed by said board. Said schedule shall show in what capacity such person was engaged each day while away from the department in which said daily duties arose, and shall show expense items of each day in detail, such as the amount of per diem allowance claimed, transportation fare, mileage and other such items.

Schedule to be filed by board of examiners.

Section 5. **Schedule of Expenses to be Filed.** Said board of examiners shall keep a separate file for each person engaged in this act contemplated, and file schedules of expenses from each said person therein. Said schedules shall be distinct and separate from other reports and detail that may be required to be made to the departments wherein such persons are respectively employed.

Not applicable to county, city or municipal offices.

Section 6. **Existing Laws Relating to Counties and Municipalities Not Changed.** This act shall not be construed to change in any manner the existing laws of the state pertaining to the conduct of any county, city or municipal office.

Repealing Sections 59-521 to 59-529, inclusive.

Section 7. Sections 59-521 to 59-529, inclusive, Revised Codes of Montana, 1947, as amended by chapter 64 of the 1953 legislative assembly, and all other acts and parts of other acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

HeinOnline -- 1955 116 1955

CHAPTER 67

An Act to Amend Section 4-425 of the Revised Codes of Montana, 1947, Relating to the Powers of the Montana Liquor Control Board to Refuse, Cancel or Revoke Licenses Issued Under the Montana Retail Liquor License Act (Title 4, Chapter 4, Sections 4-401 Through 4-441, Inclusive, Revised Codes of Montana, 1947) and to Investigate Complaints Respecting the Actions and Operations of Any Retail Licensee; Providing Administrative Procedures and Judicial Review by the District Courts of Actions or Intended Actions of the Board; Repealing Sections 4-426 and 4-427 of the Revised Codes of Montana, 1947; Said Section 4-426 Prescribing the Procedure to be Followed Upon the Filing of Charges Against Licensees; Said Section 4-427 Providing for Hearings by the Board and Appeals From Decisions Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4-425 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Liquor board may revoke or suspend licenses.

"4-425. **Denial of Application for License or Renewal — Suspension or Revocation — Actions.** The board may *(1)* upon its own motion and shall *(2)* upon the written, verified complaint of any other person, investigate the action and operation of any *retailer licensed under the Montana retail liquor license act. If the board, after investigation, shall have reasonable cause to believe that any such licensee has violated any of the provisions of this act, or any rules, or regulations of the board, it may, in its discretion, and in addition to the other penalties herein prescribed, proceed to revoke the license of any such licensee, or it may suspend the same for a period of not to exceed three (3) months, or it may refuse to grant a renewal of said license upon the expiration thereof, under the procedures herein provided. If the board shall, in its sound discretion, determine to invoke such procedures for the purpose of refusing to grant an application for renewal of any license previously issued or for revoking or suspending any such license, it shall give to the licensee fifteen (15) days notice of its intended action, addressed*

Refusal to renew.

Notice.

HeinOnline -- 1955 117 1955

and forwarded by registered mail to the licensee at the address given in the existing license, stating generally the basis and reasons for its intended action and the proposed action. Within said fifteen (15) day period said licensee may, in case of intention to refuse to grant a renewal of a license, institute proceedings in the nature of a writ of review, or, in case of intention to revoke or suspend a license, institute proceedings in injunction, and in any event in the district court of the county wherein the premises of the licensee are located for the purpose of having the intended action of the board judicially reviewed and inquired into for (a) abuse of discretion on the part of the board, (b) failure of the board to observe, or its departure from, or disregard of the applicable law governing the board in the particular circumstances, or (c) for arbitrary or tyrannical action by the board. The board shall in all cases certify to the court its complete record in the matter and the issues shall be heard on the merits by the court upon such record and upon such further legal evidence as the parties may present. If the court in any such proceedings determines that such licensee has, in fact, violated any provisions of this act or any regulations of the board, the court shall dismiss such proceedings, and the board shall proceed to such administrative determination as to it seems proper in the circumstances. Pending determination of such matter on the merits the court may, based upon a showing of undue hardship to a licensee and upon the posting of a proper bond in an amount, and conditioned upon such terms as the court may prescribe in the presence of the surrounding circumstances, stay the effective date of the intended action of the board for such times as to the court may seem proper. If no stay order is issued by the court or any stay order once issued has expired, the board shall issue its order of suspension or of revocation of license or its order denying the renewal of license. If the court shall, on the other hand, determine that good cause did not exist for the intended action of the board, or that the board abused its discretion, or otherwise acted unlawfully with respect to its intended action, on any of the grounds herein stated, the court shall issue its order and decree accordingly and the board shall comply therewith. Either party to the proceedings in the district court may appeal from its decision to the supreme

Court review.

Court may order stay of action.

Appeal to supreme court.

HeinOnline -- 1955 118 1955

court of the State of Montana, by following the procedures applicable to such appeals in civil actions.''

Repealing Sections 4-426, 4-427, R.C.M., 1947.

Section 2. That sections 4-426 and 4-427 of the Revised Codes of Montana, 1947, be, and the same are, and each is hereby repealed.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

CHAPTER 68

An Act to Amend Section 89-1004 of the Revised Codes of the State of Montana of 1947, Relating to the Method of Fixing the Time for the Commencement of the Term of Water Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 89-1004, of the Revised Codes of the State of Montana of 1947, be amended, and the same is hereby amended to read as follows:

Water commissioner, appointment, term.

''Section 89-1004 (7139) **Term of Office of Water Commissioner.** Every water commissioner so appointed shall hold his office for such time during the irrigation season of each year as may be designated by the judge in the order making such appointment; *the judge, in his discretion, shall fix the date of the commencement of such term,* and may, in his discretion, or when requested in writing by at least three (3) of such persons entitled to the use of such waters, change the term for closing of the commissioner's service.''

Approved February 26, 1955.

CHAPTER 69

An Act to Amend Section 16-1015, Revised Codes of Montana of 1947, as Amended by Chapter 185 of the Thirty-third Legislative Assembly, 1953, Relating to Taxation to Defray Current Expenses Including Salaries Otherwise Unprovided for, and Repealing All Acts and Parts of Acts in Conflict Herewith.

HeinOnline -- 1955 119 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-1015, of the Revised Codes of Montana, 1947, as amended by chapter 185 of the laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

County commissioners empowered to levy taxes for county purposes.

"Section 16-1015 (4465.12) **Taxation.** The board of county commissioners has jurisdiction and power under such limitations and reservations as are prescribed by law: To levy such tax annually on the taxable property of the county, for county purposes as may be necessary to defray the current expenses thereof, including the salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the taxable valuation for any one (1) year and to levy such taxes as are required to be levied by special or local statutes. Provided, however, that on and after *July 1, 1955,* and extending to *June 30th, 1957,* the board of county commissioners is authorized in its discretion to levy not to exceed twenty (20) mills on each dollar of the taxable valuation for any one (1) year."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1955.

CHAPTER 70

An Act to Amend Section 77-402 of the Revised Codes of Montana, 1947, Authorizing Boards of County Commissioners of Counties to Erect and Provide Armories, and Authorizing Cities and Towns to Bear a Pro Rata Part of the Expense of Erecting Such Armories, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 77-402 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County commissioners may erect or provide armory.

"Section 77-402. (1400). **Armories.** The board of county commissioners of any county in the State of Montana, in which a company or companies of Montana national guard shall be organized and regularly stationed in

HeinOnline -- 1955 120 1955

such county, is hereby authorized to erect and provide an armory of sufficient size and suitable for the drill of such company or companies, and the preservation and keeping of the arms and equipment of such company or companies, and any city *or town* in Montana is hereby authorized and empowered to bear a pro rata part of the expense of erecting and providing said armory as may be agreed upon by the board of county commissioners (and the city council) of said city."

Cities or towns may bear pro-rata expense.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 27, 1955.

CHAPTER 71

An Act Amending Section 11-2208 of the Revised Codes of Montana, 1947, Relating to Requirements in Special Improvement Procedure.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 11-2208 of the Revised Codes of Montana, 1947, be, and the same is amended to read as follows:

Amending clause.

"Section 11-2208. **Sufficiency After Resolution of Intention.** In all resolutions, notices, orders, and determinations subsequent to the resolution of intention and notice of improvements, *in any and all improvement districts,* it shall be sufficient to briefly describe the work or the assessment district, or both, and to refer to the resolution of intention for *the description and* further particulars."

Work and description by brief reference sufficient after resolution of intention.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1955.

CHAPTER 72

An Act to Amend Section 11-1806, Revised Codes of Montana, 1947, Relating to the Presentation and Trial of Charges Brought Against Policemen; Providing for Fifteen (15) Days' Written Notice of Charges; for

HeinOnline -- 1955 121 1955

Rules of Evidence Applicable to Hearing; for Judicial Review of Subpoena Power of the Police Commission; for Limitation of Veto and Modification Power of the Mayor; for Judicial Review of All Questions of Fact and Law; for the Types of Municipalities and Cities to Which This Section Shall Apply; for Defining the Word "Mayor," and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-1806, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Police commission to try charges against policemen.

"11-1806. (5100) **Presentation and Trial of Charges Against Policemen.** (1) The police commission shall have the jurisdiction, and it shall be its duty to hear, try and decide all charges brought by any person or persons against any member or officer of the police department, including any charge that such member or officer is incompetent, or by age or disease, or otherwise, has become incapacitated to discharge the duties of his office, or has been guilty of neglect of duty, or of misconduct in his office, or of conduct unbecoming a police officer or has been found guilty of any crime, or whose conduct has been such as to bring reproach upon the police force.

Charge in writing— form of service.

"(2) Any charge brought against any member of the police force must be in writing in the form required by the police commission and a copy thereof must be served upon the accused officer or member at least *fifteen (15)* days before the time fixed for the hearing of such charge.

Public trial— rules of evidence applicable.

"(3) It is the duty of the police commission at the time set for hearing a charge against a police officer, to forthwith proceed to hear, try and determine the charge according to the rules of *evidence applicable to courts of record in the State of Montana.* The accused shall have the right to be present at the trial in person and by counsel, and to be heard, and to give and furnish evidence in his defense. All trials shall be open to the public.

Right to counsel.

Subpoena power.

"(4) The chairman, or acting chairman, of the police commission, shall have power to issue subpoenas, attested in its name, to compel the attendance of witnesses at the hearing and any person duly served with a subpoena is

HeinOnline -- 1955 122 1955

bound to attend in obedience thereto, and the police commission shall have the same authority to enforce obedience to the subpoena, and to punish the disobedience thereof, as is possessed by a judge of the district court in like cases, *provided, however, that punishment for disobedience is subject to review by the district court of the proper county.*

Court review.

"(5) The police commission must, after the conclusion of the hearing or trial, decide whether the charge was proven or not proven, and shall have the power, by a decision of a majority of the commission, to discipline, suspend, remove or discharge any officer who shall have been found guilty of the charge filed against him.

Decision—commission powers.

"(6) Such action of the police commission shall, however, be subject to modification or veto by the mayor, made in writing, giving reasons therefor, which shall become a permanent record of the police commission, *provided, however, that where and when the police commission decides the charge not proven the decision is not subject to modification or veto by the mayor nor subject to any review but is final and conclusive.*

Mayor may reverse.

Proviso—where not proven, mayor may not alter.

Where the police commission decides the charge proven, the mayor, within five (5) days from the date of the filing of such findings and decision with the city clerk, may modify or veto such findings and decision.

Mayor's review —5 days.

"(7) When a charge against a member of the police force is found proven by the board, and is not vetoed by the mayor, the mayor must make an order enforcing the decision of the board, or if modified by the mayor, then such decision as modified, and such decision or order *shall be subject to review by the district court of the proper county on all questions of fact and all questions of law.*

Order of enforcement by mayor.

District court review.

"(8) The district court of the proper county shall have jurisdiction *to review all questions of fact and all questions of law* in a suit brought by any officer or member of the police force, but no suit to review such hearing or trial or for reinstatement to office shall be maintained unless the same is begun within a period of sixty (60) days after the decision of the police commission or order of the mayor has been filed with the city clerk.

Limitation on court review of fact and law.

"(9) In no case shall any officer or member of the police force, be discharged without a hearing or trial before the police commission, as herein provided, in all

Hearing required—1st, 2nd class cities, other cities and towns.

HeinOnline -- 1955 123 1955

cities of the first class, *cities of the second class, any and all cities having a duly and regularly appointed, qualified and acting police commission, and all cities and municipalities functioning under the commission form, city manager* plan or under a mayor.

Power of suspension.

"(10) The mayor or chief of police, subject to the approval of the mayor, shall have the power in all cases, to suspend a policeman, or any officer, for a period of not exceeding ten (10) days in any one (1) month, without any hearing or trial, such suspension to be with or without pay as the order of suspension may determine. The mayor of any city shall have the power and authority at any time when he deems it expedient to employ not to exceed two (2) persons at one time for a period not to exceed thirty (30) days to do police duty who are not members of the police department."

"Mayor" includes any chief executive of municipality.

(11) That wherever the word 'mayor' is used in this act, it is intended to include 'city manager,' 'city commissioner' or any other name or designation used to identify or designate the chief executive of any city or municipality.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 73

An Act to Authorize in Certain Instances the Boards of County Commissioners to Levy an Additional Tax of Not to Exceed Four (4) Mills for the County Poor Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Additional 4-mill levy authorized.

Section 1. Whenever the boards of county commissioners of counties coming within the provisions of this act find that the total amount that may be derived from all other sources will be inadequate to provide the revenue necessary to meet the appropriations for expenditures to be set forth in the poor fund section of the county budget, such county commissioners shall have the power and the authority to levy not to exceed four (4) mills, or so much thereof as may be necessary to meet such expenditures, as an additional levy for the county poor fund after re-

HeinOnline -- 1955 124 1955

ceiving a certificate authorizing them so to do, issued by the state board of equalization as in this act provided.

Time and procedure for additional levy.

Section 2. On or before the second Monday in July, the boards of county commissioners of counties desiring to avail themselves of the provisions of this act shall submit a certified copy of their county poor fund budget to the state examiner and a like certified copy of such budget to the state department of public welfare. The state examiner shall examine such budget and if it is found by the state examiner that such budget is in compliance with the laws of this state and the rules and regulations of such examiner's office, he shall so certify and transmit such certified copy of the budget, together with his certificate thereon, to the state board of equalization. The state department of public welfare shall examine such budget and if it finds the expenditures and revenues of the previous year are correct and the estimated expenditures and revenues for the current year are approximately correct, then such department shall transmit such copy, together with its certificate, to the state board of equalization.

Board of equalization may certify all or part of levy.

Section 3. The state board of equalization shall, on receipt of the certified copies of such county poor fund budget containing certificates as provided in section 2 hereof, examine such documents and if such board finds that a levy as authorized in section 1, or any part thereof, in addition to all other poor fund revenues is necessary, the said board shall certify the amount of the levy to be made by the county commissioners of such county and transmit such certificate to such board of county commissioners who shall thereupon be authorized to make such levy as is authorized.

Effective July 1, 1955 to June 30, 1957.

Section 4. This act shall be in full force and effect from the first day of July, 1955, to the thirtieth day of June, 1957, and not thereafter.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 74

An Act Providing That All Contracts or Policies of Casualty Insurance Covering State-owned Properties or

HeinOnline -- 1955 125 1955

State Risks Must Contain Therein an Agreement on the Part of the Insurer Waiving All Right to Raise the Defense of Sovereign Immunity.

Be it enacted by the Legislative Assembly of the State of Montana:

State insurance waiver of sovereign immunity required.

Section 1. All contracts or policies of casualty insurance covering state-owned properties or state risks must contain therein as a part thereof, an agreement on the part of the insurer waiving all right to raise the defense of sovereign immunity and no money shall be paid out of the state treasury to any person, firm or corporation, as a consideration or premium on any policy or contract of casualty insurance unless said policy or contract of casualty insurance contains said agreement.

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 75

An Act Providing for the Dispensing of a General Election in Cities Operating Under the Commission-manager Form of Government When the Nominations Do Not Exceed the Offices to be Filled and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Commission-manager government—general election dispensed with—when.

Section 1. **Dispensing of General Election.** Whenever, in any city operating under a commission-manager form of government at a primary election held in accordance with section 11-3215, the number of nominees shall not exceed the number of officers to be elected, then such nominees shall be deemed duly elected to the respective offices. Then, in that event, no general municipal election shall be held in said city for said year. All matters, other than the election of officers, upon which the general public shall vote shall be disposed of at the primary election unless a special election is held for that purpose.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

HeinOnline -- 1955 126 1955

CHAPTER 76

An Act to Amend Chapter 125 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, Relating to Salary and Expenses of Stenographer, Providing for Furnishing Transcripts and Bills of Exceptions to County Without Cost, Providing Manner in Which Salary Shall be Paid and Fixing Basis for Apportionment of Salary Between or Among Counties Comprising the Judicial District for Which Said Stenographer Has Been Appointed, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That chapter 125 of the session laws of the thirty-third legislative assembly of the State of Montana, 1953, be, and the same is hereby amended to read as follows:

Salary and expenses—court stenographer.

"93-1906. (8933) **Salary and Expenses of Stenographer — Apportionment.** Every stenographer appointed under the provisions of this chapter receives an annual salary of *five thousand four hundred ($5,400.00)* dollars and no other compensation except as provided in section 93-1904, provided, however, that all transcripts and bills of exceptions required by the county shall be furnished without cost, payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon *there*after as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The stenographer is allowed, in addition to the salary and fees above-provided, in judicial districts comprising more than one (1) county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary."

Apportionment by counties.

Travel and living expenses.

HeinOnline -- 1955 127 1955

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 77

An Act to Amend Section 38-208.3 Revised Codes of Montana, 1947, as Enacted by Section 3, Chapter 182 of the Session Laws of Montana, 1953, Relating to the Cost of Commitment Proceedings in Emergency Admissions to the Montana State Hospital; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 38-208.3 of the Revised Codes of Montana, 1947, as enacted by section 3, chapter 182 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

State hospital commitment costs.

"*38-208.3. Cost of Commitment Proceedings.* In all cases provided for by this act the cost of commitment proceedings shall be paid by the county of the patient*'s residence except that when the state hospital cannot determine the legal residence, the costs shall be paid by the county from which the certificate of the county physician is issued.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 78

An Act to Amend Section 26-107 of the Revised Codes of Montana, 1947, as Amended by Chapter 58 of the Session Laws of 1951, Relating to Deputy Fish and Game Wardens and Their Appointment; Providing for Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-107 of the Revised Codes of Montana, 1947, as amended by chapter 58 of the session

HeinOnline -- 1955 128 1955

laws of 1951, be, and the same is hereby amended to read as follows:

State game wardens—appointment, qualifications, duties.

"26-107. *State Game Wardens* — **Appointment** — *Qualifications.* The *director,* by and with the consent and approval of the commission, shall have the power to employ, and appoint a *deputy director who shall have previously served as a state game warden, and* a sufficient number of *state game wardens* for the proper enforcement of the fish and game laws of the state, *and the orders, rules and regulations of the commission, and for such other purposes as the director may designate. State game wardens shall be selected from applicants who have passed such an examination as may be required according to the rules adopted and promulgated by the commission. No person shall be appointed a state game warden until a certificate shall have been issued to him by the commission to the effect that he has passed the required examination and is a fit and proper person to perform the duties of the office. State game wardens employed and appointed by virtue of this act shall be persons who have an interest in protection, conservation and propagation of wildlife, game and fur-bearing animals, fish and game birds; they shall devote all of their time to their official duties."*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1955.

CHAPTER 79

An Act to Amend Section 26-106 of the Revised Codes of Montana, 1947, as Amended by Chapter 81 of the Session Laws of 1951, Relating to the State Fish and Game Warden, His Qualifications and Duties, and to Repeal Section 26-122 of the Revised Codes of Montana, 1947, Relating to Employment of Personnel, and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-106 of the Revised Codes of Montana, 1947, as amended by chapter 81 of the session

HeinOnline -- 1955 129 1955

laws of 1951, be, and the same is hereby amended to read as follows:

State fish and game director—appointment, qualifications, duties.

"Section 26-106. *State Fish and Game Director — Qualifications — Powers — Duties.* The state fish and game commission shall appoint and employ a state fish and game *director.* He shall be a person having experience, special training and skill in wildlife protection, conservation, and management. He shall be the secretary of the state fish and game commission, attend the meetings of said commission, and keep a record of all of its transactions, and shall make and keep an inventory, showing the description and value of all property owned by the state and under the administration of said commission. He shall be the administrative agent of the state fish and game commission, custodian of the property and records of the fish and game department, and shall maintain his office at the seat of the state government. He shall devote all of his time to his official duties, and such state fish and game *director* shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the state fish and game *director.* His powers and duties shall include those of a *state game warden* hereinafter enumerated. He shall be subject to the supervision and control of said commission and may be removed from office by said commission only for neglect of duty, incompetency or other good cause, and after full hearing on verified charges filed at least twenty (20) days before said hearing and served on said officer at least twenty (20) days before said hearing. *The director shall have the authority, by and with the consent of the commission, to establish such department divisions and to employ the necessary personnel that may be needed to conduct the work of the department.* The state fish and game *director* shall be paid a salary fixed by the commission and approved by the state board of examiners, and shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office, but in no *one (1)* year shall he be allowed as expenses a sum in excess of two thousand dollars ($2,000.00), the same to be paid upon proper vouchers from the fish and game fund of the state."

Removal.

Salary and expenses.

HeinOnline -- 1955 130 1955

Section 2. That section 26-122 of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed. Repealing Section 26-122, R.C.M. 1947, and other acts.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved February 27, 1955.

CHAPTER 80

An Act to Amend Sections 23-505 and 23-509 of the Revised Codes of Montana, 1947, Relating to Registration; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 23-505 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"Section 23-505. (557) **Notaries and Justices of** *the* **Peace — Deputy Registrars — Compensation.** All notaries public and justices of the peace are designated as deputy registrars in the county in which they reside, and may register electors residing *in any precinct* within the county and shall receive as compensation for their services the sum of twenty-five cents (25¢) for each elector registered by them, *provided that they shall receive no compensation for their services where the elector resides less than ten (10) miles from the county courthouse.* The county commissioners shall appoint a deputy registrar, other than notaries public and justices of the peace, for each precinct in the county. Such deputy registrar shall be a qualified, taxpaying resident elector in the precinct for which he is appointed and shall register electors in that precinct, and shall receive as compensation for his services the sum of twenty-five cents (25¢) for each elector registered by him. Each deputy registrar shall forward by mail, within two (2) days, all registration cards filled out by him to the county clerk and recorder." Deputy registrars. Compensation limited. Appointment of precinct deputies, fees.

Section 2. That section 23-509 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

HeinOnline -- 1955 131 1955

Transfer of registration within county.

"Section 23-509. (560) **Transfer of Registration Within in County.** Every elector, on changing his residence from one precinct to another within the same county, may cause his registry card to be transferred to the register of the precinct of his new residence, *by executing in person a registry card as described in section 23-502 before the deputy registrar of the new precinct or before a notary public or justice of the peace residing within the county, provided that the deputy registrar, notary public or justice of the peace will receive no compensation for this service, or* by a request in writing to the county clerk of such county, in the following form:

Form of application.

"I, the undersigned elector, having changed by residence from precinct No..... to Precinct No..... in the county of....., State of Montana, herewith make application to have my registry card transferred to the precinct register of the precinct of my present residence. My registration number is.....

Dated at....., on the..... day of....., 19.....

Transfer within township without change of residence.

"Whenever it shall be more convenient for any elector residing outside of an incorporated city or town to vote in another precinct in the same political township in the county, such elector may cause his registry card to be transferred from the precinct of his residence to such other precinct, by filing in the office of the county clerk of such county, at least thirty (30) days prior to any election, a request in writing in the following form:

Form of application.

"I, the undersigned elector, herewith make application to have my registry card transferred from precinct No. ....., to the register of precinct No....., in the county of ....., State of Montana. The reason why it is more convenient for me to vote in said precinct No..... is that.....

.....

Dated at..... on the..... day of..... 19.....

Duty of county clerk.

"Where the elector desires to change his place of registration within a county by a request in writing to the county clerk as provided above, the county clerk shall compare the signature of the elector upon such *written* request,

HeinOnline -- 1955 132 1955

with the signature upon the registry card of the elector as indicated, and may question the elector as to any of the information contained upon such registry card, and if the county clerk is satisfied concerning the identity of the elector and his right to have such transfer made, he shall endorse upon the registry card of such elector the date of the transfer and the precinct to which transferred, and shall file said card in the register of the precinct of the elector's present residence, or of the precinct to which he has requested that his registry card be transferred, and the county clerk shall in each case make a transfer of the elector's name, together with all data connected therewith, to the proper precinct in the register.

"Where the elector changes his place of registration within a county by executing a new registry card in the presence of a deputy registrar, notary public or justice of the peace as provided in the first paragraph of this section, the county clerk shall file said new card in the register of the precinct of the elector's present residence and shall make a transfer of the elector's name, together with all data connected therewith, to the proper precinct in the register. The old registry card shall be marked 'cancelled' and placed in the 'cancelled file' described in section 23-511."

Cancellation of old registration.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved February 27, 1955.

CHAPTER 81

An Act to Amend Section 7-125 of the Revised Codes of Montana, 1947, Relating to Supervision of Building and Loan Associations by the Superintendent of Banks and the Fee for Making Examinations at the Request of Ten Per Centum (10%) of the Subscribed Stock, for the Purpose of Designating Such Examinations as Special Examinations *and Containing a Repealing Clause.*

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 133 1955

Amending clause.

Section 1. That section 7-125 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Superintendent of banks, duties. Annual examination, building and loan associations. Special examinations.

"7-125. (6355.24) **Duties of Superintendent of Banks.** The superintendent of banks shall examine all building and loan associations doing business in this state at least once a year. Also, whenever ten per cent. (10%) of the subscribed stock of any association files a written application with the superintendent of banks, requesting him to make *a special* examination of any association, he shall make such examination forthwith, and the expense of the examiner making such examination shall be paid by the association examined, and the examiner's finding to be available to the petitioners and the board of directors of the association notwithstanding any provisions to the contrary contained in this act."

Repealing clause.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 82

An Act to Amend Section 16-912, Revised Codes of Montana, 1947, as Amended by Chapter 100 of the Thirty-second Legislative Assembly of the State of Montana, 1951, Relating to Compensation and Mileage of Members of Boards of County Commissioners, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-912, Revised Codes of Montana, 1947, as amended by chapter 100 of the session laws of the thirty-second legislative assembly of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Compensation members of board of county commissioners.

"16-912. **Compensation of Members of Board.** Each member of the board of county commissioners is entitled to twelve dollars ($12.00) per day for each day's attendance on the sessions of the board, and seven cents (7¢) per mile for the distance necessarily traveled in going to and returning from the county seat and his place of resi-

HeinOnline -- 1955 134 1955

dence *each day that such trip is actually made, and while engaged in the performance of his official duties,* and no other compensation must be allowed.''

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 27, 1955.

CHAPTER 83

An Act to Amend Section 89-2122, Revised Codes of Montana, 1947, Relating to Liens Upon Lands Within an Irrigation District to Secure Payment of Amounts to be Paid to the United States Under Contracts Between the Irrigation District and the United States; Providing That Such Amounts Shall be a General Obligation of the District; Providing That All Lands Now Within the District, or Hereafter Embraced Within the District, Shall be Subject to a Special Tax or Assessment for the Payment of All Amounts to be Paid to the United States Under Any Such Contract Between the District and the United States; and Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 89-2122, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

''89-2122. **Lien of Amounts to Be Paid the United States — Special Tax.** All amounts to be paid to the United States under any contract between the district and the United States made hereunder shall be a *general obligation of the district* and said amounts to be paid to the United States shall be a lien upon the irrigation system of the district. All *lands now within the district or hereafter embraced within the district* shall be subject to a special tax or assessment for the payment of all amounts to be paid to the United States under any such contract between the district and the United States, and said special tax or assessment shall constitute a first and prior lien on the land against which levied to the same extent and with like force and effect as taxes levied for state and county purposes.'' Lien of amounts owed United States, a general obligation. Special tax authorized.

HeinOnline -- 1955 135 1955

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 84

An Act to Amend Section 59-701 of the Revised Codes of Montana, 1947, as Amended by Chapter 121 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana of 1953 Relating to the Beginning and Ending of the Fiscal Year; to Provide That All State Offices, Agencies, and Institutions Shall Determine Their Financial Condition at the Close of the Fiscal Year and Shall Close Out Their Fiscal Records as of June 30 of Each Fiscal Year and Providing That the Financial Condition Shall be Transmitted to the State Controller Not More Than *Thirty (30)* Days Following the Close of Each Fiscal Year; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 59-701 of the Revised Codes of Montana, 1947, as amended by chapter 121 of the session laws of the thirty-third legislative assembly of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

Fiscal year.

"59-701. (518) **Fiscal Year.** The fiscal year for state purposes commences on the first (1st) day of July of each year, and ends on the last day of June of each year. The fiscal year for county purposes commences on the first (1st) day of July of each year and ends on the last day of June of each year. At the close of each fiscal year each state office, department, bureau, commission, institution, university unit, and agency shall make a determination of its financial condition and the results of its operations for such fiscal year, and the fiscal records of such state office, department, bureau, commission, institution, university unit, or agency for such fiscal year shall be closed out not more than *twenty (20)* days following the close of each fiscal year, and the trial balances of the accounts of such state office, department, bureau, commission, institution,

Duty of state departments to report fiscal condition to controller annually.

HeinOnline -- 1955 136 1955

university unit, and agency shall be transmitted to the state controller so as to be received by him not more than *thirty (30)* days following the close of each fiscal year."

Incompleted contracts—encumbered accounts re-appropriated and re-encumbered.

Section 2. Accounting control of all purchase orders issued by the state controller which are encumbered at the end of each fiscal year in the state controller's accounts, because of incompletion of the contract, shall be re-appropriated and re-encumbered in the succeeding fiscal year.

Just claims become payable from succeeding appropriation if within appropriation for preceding biennium.

Section 3. Any just claims not paid within the above twenty (20) days shall become payable from the succeeding year's appropriation, providing, however, that such claims shall not exceed the appropriation made for the preceding biennium.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 85

An Act to Amend Section 93-5505 of the Revised Codes of Montana, 1947, Relating to Bills of Exceptions in Civil Actions and Providing for the Time for the Preparation and Settlement of Bills of Exceptions and for the Service and Filing Thereof, and for the Delivery Thereof to the Court or Judge; Adding to Said Section a Description of the Contents of a Bill of Exceptions and the Method of Preparation Thereof in Workmen's Compensation Cases, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 93-5505 of the Revised Codes of Montana, be, and the same hereby is amended to read as follows:

New trial motion, stays time for filing exceptions.

"93-5505. (9390) **Exceptions Not Presented At Time of Ruling — Notice to Adverse Party, How Settled Upon, Etc.** Whenever a motion for a new trial is pending, no bill of exceptions need be prepared or settled until the decision of the court upon motion for a new trial has been rendered, but a bill shall be prepared and settled in the

HeinOnline -- 1955 137 1955

same manner and within the same length of time after the decision on the motion for a new trial as is hereinafter provided for the making and settling of bills of exceptions.

Time for filing exceptions, procedure.

"Except as above provided, the party appealing from a final judgment, if he desires to present on appeal the proceedings had at the trial, must, within fifteen (15) days after the entry of judgment if the action was tried with a jury, or after receiving notice of the entry of judgment if the action was tried without a jury, or within such further time as the court or judge thereof may allow, not to exceed sixty (60) days, except upon affidavit showing the necessity for further time, prepare and file with the clerk of the court and serve upon the adverse party a bill of exceptions, containing all of the proceedings had at the trial upon which he relies, in which bill the evidence shall, unless otherwise prescribed by a rule of the supreme court, be stated in narrative form, except that the particular portion of the record showing objections to the admission or rejection of testimony upon which the party preparing the bill expects to rely, shall be set out verbatim.

"Within ten (10) days after such service, the adverse party may propose amendments thereto, and serve the same, or a copy thereof, upon the other party.

"The proposed bill and amendments must, within ten (10) days thereafter, be presented by the party seeking the settlement of the bill to the judge who tried or heard the case, upon five (5) days' notice to the adverse party, or be delivered to the clerk of the court or judge. When received by the clerk, he must immediately deliver them to the judge, if he be in the county; if he be absent from the county, and either party desire the papers to be forwarded to the judge, the clerk must, upon notice in writing of either party, immediately forward them by mail, or other safe channel; if not thus forwarded, the clerk must deliver them to the judge immediately after his return to the county.

Settlement.

"When received, the judge must designate the time and place at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated, the judge must settle the bill.

When trial before referee.

"If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to

HeinOnline -- 1955 138 1955

such referee for settlement within ten (10) days after service of the amendments, upon notice of five (5) days to the adverse party, and thereupon the referee shall settle the bill. If no amendments are served, or if served are allowed, the proposed bill may be presented, with amendments, if any, to the judge or referee, for settlement without notice to the adverse party. It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter, so that the objections may be presented as briefly as possible.

Certificate allowing bill.

"When settled, the bill must be signed by the judge or referee with his certificate to the effect that the same is allowed, and shall then be filed with the clerk.

Compensation case procedure—board record is judgment roll.

"In compensation cases the record certified by the industrial accident board to the district court shall be a part of the judgment roll, and not a part of the bill of exceptions, and the appellant taking an appeal to the supreme court of the State of Montana, shall by praecipe to the clerk of the district court designate such portions only of the judgment roll as the appellant deems necessary to be certified to the supreme court of the State of Montana. A copy of the praecipe shall be served upon the respondent, and filed with the clerk, and respondent may within ten (10) days after the date of service of the appellant's praecipe, excluding the day of service, likewise by praecipe served upon the appellant and filed with the clerk, designate such portions of the judgment roll which respondent desires to have incorporated in the record on appeal. Only such portions designated by the praecipes need be certified by the clerk as constituting the judgment roll."

Procedure.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 86

An Act to Amend Section 26-339 of the Revised Codes of Montana, 1947, Relating to Dumping Refuse From Sawmill Into Streams.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 139 1955

Amending clause.

Section 1. That section 26-339, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Forbidding dumping sawmill refuse into streams.

"26-339. (3716) **Dumping Refuse From Sawmill Into Streams.** No person, *firm,* or corporation operating a sawmill on or near any stream, pond, lake or river, *or any person, firm or corporation purchasing from or acting for, with or on behalf of said sawmill operator,* shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted, or deposited, sawdust, bark, shavings, ashes, cinders or *other sawmill waste* in or near any such stream, pond, lake or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished as provided by section 26-324."

Approved February 27, 1955.

CHAPTER 87

An Act to Amend Section 94-4720 of the Revised Codes of Montana, 1947, by Providing for the Governor's Power to Restore Citizenship, and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 94-4720 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Civil rights of convict suspended.

"94-4720. **Civil Rights of Convict Suspended.** A sentence of imprisonment in the state prison for any term less than life suspends all the civil rights of the person so sentenced, and forfeits all public offices and private trusts, authority, or power, during such imprisonment.

Governor may restore.

The governor has power to restore to citizenship any person convicted of any offense committed against the laws of the state, upon cause being shown, either after the expiration of sentence, or after pardon. The governor may request an investigation by the board of pardons to determine if such restoration to citizenship be advisable."

HeinOnline -- 1955 140 1955

Section 2. This act shall be in full force and effect from and after April 1, 1955. Effective April 1, 1955.

Approved February 27, 1955.

CHAPTER 88

An Act to Amend Section 84-1816, Revised Codes of Montana, 1947, as Amended by Chapter 212, Laws of 1953, as Amended by Chapter 241, Laws of 1953, Relating to the Use of the State Highway Fund on the Federal Highway System, Declaring Policy as to the Dissemination of Public Information, Determining Dissemination of Public Information as Proper Administrative Expense, Restricting Annual Expenditure for Dissemination of Public Information, Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Declaration of policy as to dissemination of public information.

It is hereby declared as a policy of the state that it is necessary and in the interests of the State of Montana that a provision be made for the use of funds, as hereinafter provided, for the dissemination of public information of the highways of the State of Montana and incidental information concerning points of scenic and historic interest, as well as the resources and attractions of the State of Montana. That in enacting this legislation, it is not proposed that it should conflict with the acts of the United States congress relating to diversion of gasoline tax funds and the legislature declares as its policy that this act does not result in a diversion of funds in contravention of any congressional enactment. That this legislation is in the interests of the development of the highways of the State of Montana, the acquisition of increased gasoline taxes, through the use of the highways of the State of Montana by persons who would not otherwise utilize the highways of the State of Montana, unless through the dissemination of public information as provided by this act they were informed as to the highway system of the State of Montana, and possessed of incidental information hereinabove set forth.

Policy declared.

Use of highway funds for dissemination of public information.

HeinOnline -- 1955 141 1955

The provisions of this act are enacted by the legislature in the interests of the welfare of the people of this state, and to obtain additional revenue for the development of the highway program of the State of Montana.

Amending clause.

Section 1. That section 84-1816, Revised Codes of Montana, 1947, as amended by chapter 212, laws of 1953, as amended by chapter 241, laws of 1953, be, and the same is hereby amended to read as follows:

Uses of highway funds.

"Section 84-1816. (2396.2) **Use of State Highway Fund on Federal Highway System.** All moneys of the state highway fund, including moneys arising from the license tax upon dealers in gasoline and motor fuels, but excluding moneys being held in such fund for refund or drawback purposes and expense of collection and enforcement, shall be used and expended by the state highway commission in the construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense,* and engineering on the federal highway system of highways in this state selected and designated under the provision of the federal aid act, approved July 11, 1916, and the federal highway act approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense,* and engineering of highways leading from each county seat in the state to said federal highway system of federal aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration, *dissemination of public information, hereby determined to be a proper administrative expense,* and engineering of such other roads as have been or may be authorized by the laws of Montana. Provided, that the total net costs to the state for administration on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per cent (8%) of the total of state, federal aid and other available funds expended under the supervision of the state highway commission, *and said eight per cent (8%) shall be known as the administrative fund. Provided further that the expenditure for dissemination of public information shall not exceed an annual expenditure of sixty-five thousand dollars ($65,000.00).* It shall be the

Adding advertising.

8% limitation on administrative fund—

Advertising limit $65,000.00 per annum.

HeinOnline -- 1955 142 1955

duty of the state highway commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of federal aid allotments to Montana upon the said federal highway system of highways in the various parts of the state in accordance with the provisions of section 84-1817; provided that nothing in this act shall be construed to conflict with said federal aid highway acts and the rules by which they are administered. The state highway commission is authorized to enter into co-operative agreements with the national park service and the bureau of public roads for the purpose of maintaining national park approach roads in Montana.''

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1955.

CHAPTER 89

An Act to Amend Section 5, Chapter 219 of the Laws of 1951, Relating to Place for Payments of Fees by Non-resident Owners or Operators of Trucks, Trailers and Semitrailers, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 5 of chapter 219, laws of 1951, be, and the same is hereby amended to read as follows:

License and fees non-resident operators, procedure.

''Section 5. Nonresident *owners or operators of* trucks, trailers and semitrailers shall immediately upon their arrival in the State of Montana contact the nearest state highway patrol *or any state highway commission office* or the county sheriff or the county treasurer's office and secure the license and pay the fees as in this act prescribed; provided that all fees collected shall immediately be remitted to the county treasurer.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1955.

HeinOnline -- 1955 143 1955

CHAPTER 90

An Act to Amend Section 66-2201, Revised Codes of Montana, 1947, Relating to the Number, Term, Tenure and Qualifications of Members of the State Board of Veterinary Medical Examiners, by Increasing the Number of Members and the Length of Terms of Such Members; Section 66-2202, Revised Codes of Montana, 1947, Relating to the Organization of the Board of State Veterinary Medical Examiners, by Providing for a Minimum of Two (2) Meetings Per Year, That Three (3) Members Shall Constitute a Quorum, and Detailing the Power of the Board to Promulgate and Enforce Rules, Regulations and Orders, to Conduct Examinations and to Hold Hearings; Section 66-2203, Revised Codes of Montana, 1947, Relating to the Expenses and Funds and Records and Reports of Such Board, by Increasing the Salary of the Secretary-treasurer From One Hundred Fifty Dollars ($150.00) to Five Hundred Dollars ($500.00) Per Year and Authorizing the Board to Hold Moneys Up to Five Thousand Dollars ($5,000.00) in Account; Section 66-2204, Revised Codes of Montana, 1947, Relating to the Conduct of Examinations and Applications for Licenses to Practice Veterinary Medicine, by Requiring Applicants to be Citizens of the United States Over the Age of Twenty-one (21) Years, Establishing a Fee of Twenty-five dollars ($25.00) Upon Application, Specifying Subjects to be Covered by Examination, Providing for Reciprocity Arrangements in Lieu of Examination, and Providing for Temporary Permits to Practice Under Specified Circumstances; Section 66-2207, Revised Codes of Montana, 1947, Relating to the Issuance, Registration and Revocation of Licenses, by Changing the Maximum Registration Fee From Two Dollars ($2.00) to Ten Dollars ($10.00) and Providing Procedure to be Followed When Persons Licensed Under This Act Are Members of the Armed Services or When Persons Licensed Under This Act Fail to Register as Required Hereunder; Section 66-2208, Revised Codes of Montana, 1947, Relating to the Display of License and Certificates and Arrangements With Other Boards, by Empowering the Board to Establish Methods and Procedure for Investigation of Applicants for License by Reciprocity; Section 66-2209, Revised Codes of Montana, 1947, Relating to the Definition of Veterinary Medicine, by Re-defining Such

HeinOnline -- 1955 144 1955

Term; Section 66-2210, Revised Codes of Montana, 1947, Relating to the Revocation of Certificates, by Setting Forth the Grounds for Refusal, Suspension and Revocation of Licenses and Certificates, and by Providing for Hearing After Notice as a Condition to Refusal, Suspension or Revocation; Section 66-2211, Revised Codes of Montana, 1947, Relating to the Persons Not Embraced Within the Provisions of This Act, by Specifically Excluding Certain Classes of Individuals; Section 66-2212, Revised Codes of Montana, 1947, Relating to the Penalties for Practice of Veterinary Medicine in Violation of Law, by Providing Conviction Hereunder Shall be Punishable by a Fine of Not Less than Two Hundred Dollars ($200.00) or More Than Five Hundred Dollars ($500.00) or by Imprisonment in the County Jail for Not Less Than Thirty (30) Days and Not More Than Six (6) Months or by Both Such Fine and Imprisonment, by Providing a Second Conviction Shall be Punished by Both Fine and Imprisonment and Conferring Jurisdiction Over All Prosecutions Hereunder Upon the District Court; Directing That Unconstitutionality of a Part of This Act Shall Not Affect or Impair the Remainder; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 66-2201 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State board veterinary medical examiners, appointment, qualifications, term.

"66-2201. (3217) **Appointment of State Board of Veterinary Medical Examiners.** There is hereby created a state board of veterinary medical examiners, to be appointed by the governor of the State of Montana, which shall consist of *five (5)* reputable *veterinarians* who shall have graduated from *a* college authorized by law to confer degrees *and having educational standards equal to those approved by the American Veterinary Medical Association,* and each of whom shall be licensed *and registered* under this act. Appointments shall be made for the term of *five (5)* years, *provided that first appointments made pursuant to this chapter shall be one (1) for one (1) year, expiring on July 31, 1956, and one (1) for four (4) years, expiring on July 31, 1959, and provided, further, that the provisions of this chapter shall not affect or alter the terms*

First appointments.

HeinOnline -- 1955 145 1955

of office of the present members of the state board of veterinary examiners which expire respectively on July 31, 1955, July 31, 1957, and July 31, 1958. Members of the board shall serve until their successors are appointed and qualified. The Montana State Veterinary Medical Society shall, at each annual meeting, nominate twice the number of examiners to be appointed that year on the board. The names of such nominees shall be annually transmitted under seal by the president and secretary, prior to *July* first, to the governor, who shall, prior to August first, appoint from such lists the examiners that will be required to fill any vacancies that will occur from expiration of term on July thirty-first. Any other vacancy, however occurring, shall likewise be filled by the governor for the unexpired term. Each nominee, before appointment, shall furnish to the governor proof that he has received a degree in veterinary medicine from an authorized veterinary medical school, and *that he is licensed by the state board of veterinary medical examiners,* and that he has actually and legally practiced veterinary medicine *in either private practice or public service in the State of Montana* for at least *five (5)* years, *immediately preceding his appointment.* If no nominees are legally before him from the society, the governor may appoint from *licensed and registered* members of the veterinary profession in good standing in Montana without restriction. The governor may, after due notice and hearing, remove any examiner for misconduct, incapacity, or neglect of duty."

Removal.

Amending clause.

Section 2. That section 66-2202 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Organization of board.

"66-2202. (3218) **Organization of Board — Quorum — Powers.** Every veterinary medical examiner shall receive a certificate of appointment from the governor, and, before beginning his term of office, shall file with the secretary of state the constitutional oath of office. The board shall annually elect from its members a president, vice-president, and secretary-treasurer, and shall hold *at least* two (2) regular meetings each year. At any meeting *three (3) members of the board* shall constitute a quorum. If any member of the board shall, without cause, absent himself from two (2) of its regular meetings consecutively, his office shall be deemed vacant. *The board is hereby author-*

Quorum.

HeinOnline -- 1955 146 1955

ized and empowered: to promulgate, revise, alter, and amend and enforce reasonable rules, regulations and orders which it determines in its discretion to be necessary to the performance of its duties; to prescribe forms for application for examination and license; to prepare and supervise examination of applicants for license to practice veterinary medicine; to obtain the services of professional examination agencies in lieu of its own preparation of such examinations; to issue and revoke licenses as hereinafter provided; to hold hearings, issue subpoenas, administer oaths and take testimony and proofs concerning all matters within its jurisdiction; to issue commissions to take depositions of witnesses who are sick or absent from the state; to employ attorneys, subject to the approval of the attorney general, to assist county attorneys in prosecutions brought under this chapter in the respective district courts of the state or to assist the attorney general in representing the board before the supreme court; to employ attorneys or other qualified persons to serve as referees in the holding of hearings ordered by the board.''

Powers of board.

Examinations.

Licensing.

Hearings.

Employ attorneys.

Section 3. That section 66-2203 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

''66-2203. (3219) **Expenses and Funds — Records and Reports.** Each member of the board shall be entitled to receive all necessary traveling and *subsistence* expenses, provided such expenses shall not exceed the amount in the treasury during any fiscal year. The secretary-treasurer shall receive an additional salary to be fixed *annually* by the board and not to exceed *five* hundred dollars ($500.00) per annum. *The board shall require the secretary-treasurer to* give bond in such sum and with such conditions as the board may from time to time direct. The board shall keep full and complete minutes of its proceedings and of its receipts and disbursements, and a full and accurate list of all persons licensed and registered by it, and such records shall be public records, and shall, at all times, be open to public inspection. The secretary-treasurer of said board shall be the legal custodian of all moneys received for licenses or certificates of registration, as provided by this article, up to and including the sum of *five* thousand dollars ($5,000.00). If, at any time, the amount of moneys received, after deducting such salaries and expenses, shall

Travel and subsistence expenses.

Secretary-treasurer—salary.

Bond of secretary-treasurer.

Records and reports.

Revolving fund

HeinOnline -- 1955 147 1955

amount to more than *five* thousand dollars ($5,000.00), the secretary-treasurer shall forward *the amount in excess of five thousand* dollars (*$5,000.00*) to the treasurer of the State of Montana, and receive his official receipt for same. Said board shall, not later than July fifteenth of each year, submit to the governor a full and complete report of its proceedings during the twelve (12) months immediately preceding."

Amending clause.

Section 4. That section 66-2204 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Licenses to practice, qualifications.

"66-2204. (3220) **Applications for License to Practice — Examinations — Fees.** Any *citizen of the United States who is over the age of twenty-one (21) years* desiring to begin the practice of veterinary medicine or veterinary surgery in the State of Montana, or who shall desire to hold himself or herself out to the public as a practitioner of veterinary medicine or veterinary surgery, except as provided in section 66-2211, shall make application to said board of examiners for license so to do. Such application shall be upon a form furnished by said board, and shall be accompanied by satisfactory evidence of the good moral character of the applicant, and shall present evidence of his having graduated in and received a degree from a legally authorized veterinary medical school *having educational standards equal to those approved by* the American Veterinary Medical Association. On application, *a photostatic copy of* the diploma of said applicant shall be submitted to said board for inspection and verification, *and such photostatic copy shall be and remain the property of the board.* Every person applying to said board for license to practice shall pay to the board the fee of *twenty-five* dollars (*$25.00*), which fee shall in no case be refunded, and which shall become a part of the funds of the treasury of the board. Said board shall by means of examination, either oral or written *or practical, or such combination of oral or written or practical* as the board may determine, ascertain the professional qualifications for license of all applicants under this act, *except that investigation under reciprocity arrangements may replace examination for licensees from other states as provided by section 66-2208,* and *the board* shall issue such license to all who are found upon *such* examination *or investigation* to be in the judg-

Fee.

Examination.

Reciprocity.

HeinOnline -- 1955 148 1955

ment of said board competent to practice, and no such license shall be issued to any person who is not found by such examination *or investigation* to be competent.

"Such examination shall be held *in January and June of each year* at a time and place or places specified by said board. *Such examination shall cover theory and practice, materia medicia and therapeutics, livestock sanitation, surgery, and communicable diseases and such other subjects chosen by the board as are ordinarily included in the curriculum of a legally chartered school of veterinary medicine recognized and approved by the American Veterinary Medical Association.*

Time of examinations.

Examination procedure.

"Said board shall consecutively number all applications received and note upon each the disposition made of it and preserve same for reference, and shall number consecutively all licenses issued; provided, that veterinarians who are at the time of the passage and approval of this act licensed and *registered to* practice veterinary medicine in the State of Montana, shall be entitled to a license without such examination.

"All applicants must achieve a grade of seventy percent (70%) in all subjects in order to obtain a license. An applicant who has failed an examination may apply to be re-examined at any subsequent examination, shall pay another application fee in the amount of twenty-five dollars ($25.00), and shall take another complete examination in all subjects.

"An applicant for examination hereunder may in the discretion of the board be given a temporary permit to practice veterinary medicine prior to taking the examination, provided such applicant is employed by and working under the supervision of and in the same office with a veterinarian licensed under this act; such temporary permit shall be valid only until the date of the next succeeding examination, and no longer, and under no circumstances shall the board issue a second temporary permit to the same person. A temporary permit shall not be issued to a person who has failed an examination given by the board."

Temporary permit.

Section 5. That section 66-2207 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

HeinOnline -- 1955 149 1955

Licenses—issuance.

"66-2207. (3223) **Issuance, Registration and** *Reinstatement* **of Licenses.** The state board of veterinary medical examiners will, at the conclusion of a regular examination *or after investigation under reciprocity arrangements as provided by section 66-2208,* if in their judgment the applicant is duly qualified therefor, issue a license to practice veterinary medicine.

Contents.

"Every license so granted by the board shall be issued under seal, and shall be signed by *the president and secretary-treasurer* of the board, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, veterinary medical education, and all other matters required by law, and that after full examination *or investigation under reciprocity arrangements* he or she has been found duly qualified to practice.

Annual certificate.

"Each person licensed by the board to practice veterinary medicine in this state shall procure from the secretary of the board on or before July first, annually, his certificate of registration. Such certificate shall be issued by the secretary upon the payment of a fee to be fixed *annually* by the board, not exceeding the sum of *ten* dollars (*$10.00*), and certificate so issued shall be prima facie evidence of the right of the holder to practice veterinary medicine in this state during the time for which *it is* issued. *Failure of a person licensed by the board to procure a certificate of registration on or before July first of every year shall ipso facto constitute a forfeiture of the license held by such person, provided, however, that any person who has thus forfeited his license may have it restored to him by making written application for restoration within one (1) year of such forfeiture setting forth the reasons for failure to procure the certificate of registration at the time specified by this section and accompanied by payment of the registration fee hereinabove set forth and such additional restoration fee not to exceed ten dollars ($10.00) as the board may require. Such person so making application for restoration of license within one (1) year of its forfeiture by him shall not be required to submit to examination.*

Forfeiture of license for failure to procure certificate.

Restoration.

Automatic registration to armed service members.

"Notwithstanding any other provisions in this chapter, any person licensed by the board who enters, or is called to active duty by, any branch of the armed services of the

HeinOnline -- 1955 150 1955

United States shall be entitled to receive automatic registration of his license during the period of his duty with the armed services, provided, however, that within one (1) year after release or discharge from duty in such armed services he shall procure a certificate of renewal from the board and pay the regular fee therefor. Failure of such person to procure such certificate of renewal within one (1) year after such release or discharge shall be the equivalent of a failure to procure a certificate of registration on or before July first of any year, and the same forfeiture and restoration requirements shall be invoked.

Residence and office address on file.

"Each person licensed by the board shall at all times have his residence and office address on file with the board."

Amending clause.

Section 6. That section 66-2208 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

License and certificate to be displayed.

"66-2208. (3224) **Display of License and Certificate — Arrangement With Other Boards.** *No person shall practice veterinary medicine in the State of Montana without possessing and displaying prominently in his or her principal office a license and a current and valid certificate of registration issued pursuant to the provisions of this act.*

Reciprocity empowered.

The board of *veterinary medical* examiners *may* make arrangement with similar boards in the several states in so far as practicable, whereby due credit for state and territorial licenses will be allowed in the State of Montana to such licensees of said board as desire to secure license to practice veterinary medicine in this state, and whereby licensees of the board of veterinary medical examiners in this state will secure due credit for license issued by said board, whenever such licensees desire to secure license to practice in any other state or territory; but no arrangement shall be made under the provisions of this section which will be liable to lower the standard of practice of veterinary medicine in the State of Montana. The board may, if deemed necessary, require an examination of applicants for license from other states after careful consideration of credentials from such states.

Conditions.

Investigation of reciprocity applicants.

The board shall by regulation establish methods and procedures for investigation of applicants for license by reciprocity, and no license shall be issued as a result of reciprocity between the states to any

HeinOnline -- 1955 151 1955

applicant unless such applicant has been lawfully and continuously in practice as a licensed veterinarian for at least one (1) year in the state from which he applies immediately preceding the date of his application for a license to practice in this state.''

Amending clause.

Section 7. That section 66-2209 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Definition of veterinary medicine.

''66-2209. (3225) **Veterinary Medicine Defined.** Any person *shall be deemed in the practice of veterinary medicine when he does any of the following:*

''(a) *Represents himself as or is engaged in the practice of veterinary medicine in any of its branches either directly or indirectly.*

''(b) *Uses any words, titles, or letters in such connection or upon any display or advertisement or under any circumstances so as to induce the belief the person using them is engaged in the practice of veterinary medicine. Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine in any of its branches.*

''(c) *Diagnoses, prescribes or administers any drug, medicine, appliance, application, or treatment of whatever nature, or performs a surgical operation or manipulation, for the prevention, cure, or relief of a pain, deformity, wound, fracture, or bodily injury or physical condition or disease of animals.*

''(d) *Instructs, demonstrates or solicits, by any notice, sign, or other indication, with contract either express or implied, or otherwise, with or without the necessary instruments for the administration of biologics or medicines or animal disease cures for the prevention and treatment of disease of animals and any and all remedies for the treatment of internal parasites in animals.*

Unlicensed practice forbidden.

''No person shall practice veterinary medicine or veterinary surgery, or farriery, in the State of Montana unless licensed by the state board of veterinary medical examiners of the State of Montana, and registered as required by this chapter; nor shall any person practice veterinary medicine, surgery, or farriery, whose authority to practice is suspended or revoked by said board.''

HeinOnline -- 1955 152 1955

Section 8. That section 66-2210 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"66-2210. (3226) *Refusal, Suspension and* **Revocation of** *License and* **Certificate.** *The state board of veterinary medical examiners may either refuse to issue a license or refuse to issue a certificate of registration or suspend or revoke a license and certificate of registration upon any of the following grounds:*

Refusal, suspension, revocation of license and certificate.

"(a) *Fraud or deception in procuring the license.*

Grounds.

"(b) *The publication or use of any untruthful or improper statement, or representation with the view of deceiving the public, or any client or customer in connection with the practice of veterinary medicine.*

"(c) *The conviction of a felony as shown by a certified copy of the record of the court of conviction.*

"(d) *Habitual intemperance in the use of intoxicating liquors, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs; or conviction of a violation of any federal or state law relating to narcotic drugs.*

"(e) *Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the licensee from practicing veterinary medicine.*

"(f) *Gross malpractice, including failure to furnish to the board, upon written application by it, any report or information relating thereto.*

"(g) *The employment of unlicensed persons to perform work which under this chapter can lawfully be done only by persons licensed to practice veterinary medicine.*

"(h) *Fraud or dishonest conduct in applying or reporting diagnostic biological tests or in issuing health certificates.*

"(i) *Failure to keep one's premises in a clean and sanitary condition.*

"(j) *Violation of any of the provisions of this act or of any of the rules, regulations or orders promulgated by the state board of veterinary medical examiners to carry out the provisions of this chapter.*

HeinOnline -- 1955 153 1955

"(k) *Revocation by proper authorities for any of the above reasons of a license issued by a sister state.*

Notice and hearing required.

"The board may neither refuse to issue a license or certificate of registration nor suspend or revoke any license and certificate of registration, however, for any such cause, unless the person accused has been given at least twenty (20) days' notice in writing of the charge against him, and a public hearing by the board is first had.

"Such hearing shall be held by the board or by a referee appointed by the board; and the board or its duly authorized referee is hereby authorized to administer oaths, subpoena witnesses and compel the production of relevant books and papers and receive evidence in order to carry out the provisions of this act."

Amending clause.

Section 9. That section 66-2211 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Persons to whom statute does not apply.

"66-2211. (3227) **Interpretation of Statute — Persons Not Embraced Within Provisions.** *This chapter does not apply to:*

Government veterinarians in performance of duties.

"(a) *Veterinarians in the performance of their official duties, either civil or military, in the service of the United States of America, unless they engage in the practice of veterinary medicine, as defined in this chapter, in a private capacity.*

Lab technicians and veterinarian research workers, under government supervision.

"(b) *Laboratory technicians and veterinary research workers, as distinguished from veterinarians, in the employ of the State of Montana, or United States of America and engaged in labors in laboratories under the direct supervision of the Montana livestock sanitary board, Montana state college or the United States of America.*

Foreign veterinarians in consultation.

"(c) Lawfully qualified *veterinarians from* other states or any foreign country meeting legally *licensed and* registered *Montana* veterinarians in this state in consultation.

Adjacent state licensed veterinarians called to attend cases.

"(d) Any veterinarian residing on a border of a neighboring state and duly authorized under the laws thereof to practice veterinary medicine therein, *who is actually called to attend cases in this state, but* who does not open an office or appoint a place to meet patients or receive calls within this state, *provided that veterinarians licensed*

HeinOnline -- 1955 154 1955

and registered in this state are extended a like privilege to engage in the practice of veterinary medicine to the same extent in the neighboring state.

Employment of 3-year veterinary medical students.

"(e) The employment of veterinary medical students who have successfully completed three (3) years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American Veterinary Medical Association and authorized by law to confer degrees as assistants to veterinarians licensed and registered pursuant to this chapter; provided, however, such employment shall not be contracted for or entered into except after written application for approval directed to the board of veterinary medical examiners and the written grant of approval by said board; and provided, further, such employment shall not be for a period in excess of six (6) months from the date of completion of such third year of study.

Proviso—board approval required.

Certain operations of large animals.

"The operations known and designated as spaying, castrating or dehorning of large animals shall not be considered the practice of veterinary medicine within the meaning of this chapter.

Treatment of own animals, emergency services.

"Nothing in this chapter shall be construed or interpreted to prohibit any person from treating his own farm animals or being assisted in such treatment by his employees regularly employed in the conduct of his business, or by other persons whose services are rendered gratuitously in case of emergency.

Sale of remedies and instruments by registered pharmacists.

"Nothing in this chapter shall be construed or interpreted to prohibit the selling of veterinary remedies and instruments by a registered pharmacist at his regular place of business."

Amending clause.

Section 10. That section 66-2212 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Penalties for practice in violation of laws.

"66-2212. (3228) **Practice in Violation of Law — Penalties.** *Any person practicing veterinary medicine or farriery within this state, as defined in this chapter, without first having obtained a license to practice and being registered as required by this chapter, or after his license to practice has been suspended or revoked, or contrary to the provisions of this chapter in any manner, shall be*

HeinOnline -- 1955 155 1955

guilty of a misdemeanor for each violation of the provisions of this chapter or for each act relating to the practice of veterinary medicine in this state, and upon conviction shall be punished by a fine of not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both said fine and imprisonment. Any person convicted a second time for any violaiton of this chapter shall be punished by both such fine and imprisonment. The district court shall have jurisdiction of all prosecutions brought hereunder.''

Severability.

Section 11. **Severability.** If any section, subdivision, sentence or word of this act shall be determined by a court of competent jurisdiction to be unconstitutional or inoperative, it shall not affect the remaining portions of this act.

Repealing clause.

Section 12. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1955.

CHAPTER 91

An Act to Amend Section 32-1608, Revised Codes of Montana, 1947, Relating to Contracts for Work on State Highways by the State Highway Commission and Authorizing the Montana State Highway Commission to Enter Into Contracts With Any Board of County Commissioners of Any County, to Acquire Rights-of-way, Survey and Construct Federal Farm to Market, Secondary or Feeder Roads Within Such County by Such Method or Methods as May be Agreed Upon by the State Highway Commission and Such Board of County Commissioners, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-1608, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Highway contracts awarded by state commission.

''32-1608. (1790) **Contracts, How Awarded.** All contracts for work on state highways shall be let by the state highway commission, *except as hereinafter provided.* When

HeinOnline -- 1955 156 1955

the estimated cost of any piece of work shall exceed one thousand dollars ($1,000.00), it shall be the duty of the state highway commission to let such contract by competitive bidding, upon such notice and upon such terms as the commission by its rules and regulations prescribe; provided that if the commission shall find such work may be done and performed by force account or by day's labor in a more efficient manner, it may so conduct the work, and provided further that the commission may use convict labor as, in its judgment, is deemed proper. A contractor upon being awarded a contract for construction, improvement, maintenance or marking upon a state highway, and before entering upon such work shall execute to the State of Montana a bond to be approved by the commission, and to be conditioned for the faithful discharge of its duties under such contract. *Provided, however, that on any highway construction work, which is financed in whole or in part by federal funds, and the secretary of commerce of the United States of America shall affirmatively find that under the circumstances relating to a given project some other method than competitive bidding is in the public interest, the state highway commission is authorized and empowered to enter into contracts with any board of county commissioners of any county, whereby such county is authorized to acquire rights-of-way, survey and construct farm to market, secondary or feeder roads within such county, by force account, unit price or otherwise, as may be agreed upon by said state highway commission and said board of county commissioners.''*

Over $1,000.00 on bid.

Except, may use force account or day labor.

Bond by contractor.

Proviso—may contract with county boards on certain roads

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 1, 1955.

CHAPTER 92

An Act to Amend Section 68-102, Revised Codes of Montana, 1947, Relating to Definitions of Terms Used in the Public Employees' Retirement Act by Redefining the Terms ''Public Agency'', ''State Employee'', ''Prior Service'' and ''Compensation Earnable''; and Repealing Subsection (ai); to Amend Section 68-202, Revised Codes of Montana, as Amended by Section 2, Chapter

HeinOnline -- 1955 157 1955

186, Laws of Montana, 1951, Relating to Who Shall Become Members of the Public Employees' Retirement System; to Amend Section 68-203, Revised Codes of Montana, 1947, Relating to Who Are Ineligible for Membership in the Public Employees' Retirement System; to Amend Section 68-501, Revised Codes of Montana, 1947, as Amended by Section 4, Chapter 186, Laws of Montana, 1951, and Section 1, Chapter 225, Laws of Montana, 1953, Relating to Prior Service Credit to be Granted to Members of the System; to Amend Section 68-701, Revised Codes of Montana, 1947, as Amended by Section 2, Chapter 176, Laws of Montana, 1953, Relating to the Management of Inactive Accounts; to Amend Section 68-1001, Revised Codes of Montana, 1947, Relating to Medical Examinations of Members Retired for Disability; to Amend Section 68-1002, Revised Codes of Montana, 1947, Relating to the Reduction of Allowance of Disability Beneficiaries; to Amend Section 68-1003, Revised Codes of Montana, 1947, Relating to Effect of Refusal of the Disability Beneficiary to Submit to Medical Examination; to Amend Section 68-1101, as Amended by Section 7, Chapter 186, Laws of Montana, and Section 2, Chapter 225, Laws of Montana, 1953, Relating to the Effect of an Election of a Joint Life Annuity Option on a Death Benefit; to Amend Section 68-1303, Revised Codes of Montana, 1947, Relating to Exemption of Retirement Fund Benefits From Execution, Garnishment, Attachment, Assignment or State or Municipal Taxes; to Amend Section 68-1306, Revised Codes of Montana, 1947, Relating to the Ineligibility of Retired Members for Retirement Allowance While in State Service; to Amend Section 68-1308, Revised Codes of Montana, 1947, Relating to Compensation Considered for Retirement Contributions; and Directing That Invalidity of a Part of This Act Shall Not Affect or Impair the Remainder, Making This Act Effective Upon Its Passage and Approval and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 68-102 of the Revised Codes of Montana of 1947 and section 1, chapter 186, laws of Montana, thirty-second session, 1951, be, and the same are hereby amended to read as follows:

HeinOnline -- 1955 158 1955

"68-102. **Definitions.** The following words and phrases used in this act, unless a different meaning is plainly indicated in the context, shall have the following meanings: Definitions.

(a) 'Retirement system' shall mean the 'public employees' retirement system' created by this act. "Retirement system."

(b) 'Contracting city' shall mean any municipal corporation in the state which has elected to have all, or any part of its employees become a part of the retirement system and which has contracted with the board for such purpose. "Contracting city.

(c) 'Contracting county' shall mean any county in the state which has elected to have all or any part of its employees become a part of the retirement system and which has contracted with the board for such purpose. For the purpose of applying the provisions of this act to counties, wherever in this act reference is made to 'city,' 'contracting city,' 'city employee,' 'city clerk,' 'municipal corporation,' or 'legislative body' of any city or municipal corporation, such words shall be construed to read, respectively, as 'county,' 'contracting county,' 'county employee,' 'county clerk,' 'county' or 'board of county commissioners' of any county. "Contracting county."

(d) 'Public agency' shall mean any public district or other local authority *supported in whole by public taxes.* "Public agency."

(e) 'Contracting public agency' shall mean any public agency in the state which has elected to have all or any part of its employees become a part of the retirement system and which has contracted with the board for such purpose. For the purpose of applying the provisions of this act to public agencies, whenever in this act reference is made to 'city,' 'contracting city,' 'city employee,' 'city clerk,' 'municipal corporation,' or 'legislative body' of any city or municipal corporation, such words shall be construed to read, respectively, as 'public agency,' 'contracting public agency,' 'public agency employee,' 'secretary of governing board or analogous authorized employee of the public agency,' 'public agency,' or 'governing board or head of a public agency not managed by a board.' "Contracting public agency."

(f) 'State employee' means any person employed by the state in any capacity whatever and whose salary is paid either by warrant of the state auditor and from the fees or income of any department or agency of the state, ex- "State employee."

HeinOnline -- 1955 159 1955

cepting all elective and all appointive officers, court commissioners, *and* the members of any state board or commission who serve the state intermittently and are paid on a per diem basis (*except as herein otherwise provided*). 'State employee' means further any employee under direct state supervision or functional state supervision as certified by the head of the state department concerned and approved by the board *of administration* of the public employees' retirement system, who is paid either fully or in part from federal funds, but is not subject to the federal retirement system.

"Head of department." (g) 'Head of department' means the head of any department, institution or branch of the state service which directly pays salaries out of its income or which prepares, approves, and submits salary statements of its employees to the state board of examiners, state auditor and state treasurer for payment.

"Member." (h) 'Member' shall mean any person included in the membership of the retirement system set forth in section 68-202 and not excluded in section 68-203.

"Board." (i) 'Board' shall mean the 'board of administration' created in this act.

"Retirement fund." (j) 'Retirement fund' shall mean the 'public employees' retirement fund' created and established in section 68-405.

"State service." (k) 'State service' shall mean service rendered as an employee, hired or appointed, of the state or its university or any of the colleges, schools, components or units thereof for the purpose of this act, service rendered as an employee of any contracting city for compensation, and, for the purposes of this act, a member shall be considered as being in 'state service' only while he is receiving compensation from the state, or its university as aforesaid or the contracting city for such service, except as provided in subdivision (f) of section 68-501.

"Prison employee." (l) 'Prison employee' for the purpose of the retirement system, means persons appointed by the warden of the state prison or by the state board of prison commissioners.

"Prior service." (m) 'Prior service' shall mean all state service rendered before the first day of *July,* 1945; and all *state* service rendered as an employee of a contracting city before the effective date of the city's participation in the retirement

HeinOnline -- 1955 160 1955

system, and allowable as provided in subdivision (h), section 68-501. Employees of a contracting city shall receive credit for prior service only if the election of the contracting city to participate in the public employees' retirement act is filed with the board on or before, but not after July 1, 1950. Notwithstanding the sentence preceding, 'prior service' as applied to a person, employed by the state, including the university, who became a member while employed on a part-time basis, because of amendments to this retirement act, or as applied to a person who became a member prior to said amendments, because of a change in the employment status to a full time basis, shall mean all state service rendered before the effective date of said membership.

"Continuous service."

(n) 'Continuous service' as applied to 'prior service' shall mean all prior service, regardless of interruptions in such service, and as applied to service as a member shall mean uninterrupted employment in state service except as provided by subdivision (h) section 68-501, and, except that when for any cause whatever, a member discontinues state service but subsequently re-enters such service within three (3) years from the date of the discontinuance, such interruption shall not be deemed to break the continuity of service.

"Beneficiary."

(o) 'Beneficiary' shall mean any person in receipt of a pension, annuity, retirement allowance, death benefit or any other benefit provided by this act.

"Compensation."

(p) 'Compensation' shall mean the remuneration paid in cash out of funds controlled by the state, the university or the contracting city, plus the monetary value as determined by the board of administration, of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished by the state, the university, or the contracting city to a member, in payment for services.

"Compensation earnable."

(q) 'Compensation earnable' by a member shall mean the average monthly compensation as determined by the board upon the basis of the average time put in by members in the same group or class of employment and at the same rate of pay, it being assumed that during any absence said member was in the position held by him at the beginning of the absence*: and provided that compensation received by a member subsequent to July 1, 1952, in excess*

HeinOnline -- 1955 161 1955

of five thousand dollars ($5,000.00) per annum may be used as a basis of compensation for the purpose of this retirement system if (a) he contributes normal contributions on the excess of such salary subsequent to July 1, 1952, over five thousand dollars ($5,000.00) to his individual account in the annuity savings fund and (b) he contributes three per cent (3%) of the excess of his salary subsequent to July 1, 1952, over five thousand dollars ($5,000.00) to the pension accumulation fund of the retirement system.

"Final compensation."

(r) 'Final compensation' shall mean the average annual compensation earnable by a member during any three (3) consecutive years upon which normal contributions have been made, said years to be chosen by the member.

"Regular interest."

(s) 'Regular interest' shall mean the average interest earned on investments made hereunder, compounded at each June thirtieth, subject to subdivision (j) section 68-501 plus such additional interest as the board may credit from year to year in accordance with the provisions of this act.

"Normal contributions."

(t) 'Normal contributions' shall mean contributions by members under the provisions of section 68-701 (g) to (n), both inclusive.

"Additional contributions."

(u) 'Additional contributions' shall mean contributions by members under the provisions of section 68-701 (k).

"Accumulated normal contributions."

(v) 'Accumulated normal contributions' shall mean the sum of all the normal contributions standing to the credit of a member's individual account, together with the regular interest thereon.

"Accumulated additional contributions."

(w) 'Accumulated additional contributions' shall mean the sum of all the additional contributions standing to the credit of a member's individual account, together with the regular interest thereon.

"Accumulated contributions."

(x) 'Accumulated contributions' shall mean accumulated normal contributions plus any accumulated additional contributions standing to the credit of a member's account.

"Pension."

(y) 'Pension' shall mean payments for life derived from contributions made from the state controlled funds, or in the case of members from contracting cities from the funds of such cities, as provided in this act.

HeinOnline -- 1955 162 1955

(z) 'Annuity' shall mean payments for life derived from contributions made by a member as provided in this act. "Annuity."

(aa) 'Retirement allowance' shall mean the pension plus the annuity. "Retirement allowances."

(ab) 'Death allowance' shall mean payments for life, or until remarriage, or until the youngest child shall attain the age of eighteen (18) years, as provided in section 68-1101. "Death allowance."

(ac) 'Actuarial equivalent' shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the board, and interest at a rate to be annually determined by the retirement board compounded annually, subject to subdivision (j), section 68-501. "Actuarial equivalent."

(ad) 'Retirement' shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act. "Retirement."

(ae) 'Disability' and 'incapacity for performance of duty' referred to herein as a basis of retirement, shall mean disability of permanent duration or disability of extended and uncertain duration, as determined by the board on the basis of competent medical opinion. "Disability" and "incapacity for performance of duty."

(af) 'Actuary' shall mean the actuary regularly and continuously employed on a full or part time basis, by the board of administration. "Actuary."

(ag) 'Benefit' shall be the retirement allowance, death allowance, death benefit or refund of accumulated contributions provided by this act. "Benefit."

(ah) 'Fiscal year' shall mean any year commencing with July first and ending June thirtieth next following. "Fiscal year."

Section 2. That section 68-202 of the Revised Codes of Montana, 1947, as amended by section 2, chapter 186, laws of Montana, thirty-second session, 1951, be, and the same is hereby amended to read as follows: Amending clause.

"68-202. **Members — Re-entry Into State Service — School District Employees:**

(a) *From and after July 1, 1955.* All employees shall become members on the first day of employment. All employees to become members.

HeinOnline -- 1955 163 1955

Employees re-entering service, exception.

(b) Every employee who re-enters state service shall become a member unless he has had an original election of exemption from membership and his state service was not interrupted by a break of more than one (1) month. A seasonal employee who has had an original election of exemption from membership will not be subject to the requirement regarding the break in service while continuing in his original employment and employed on a seasonal basis, but upon termination of employment to accept new employment or absence of more than one (1) month in returning to original employment in any ensuing season, such a seasonal employee shall become a member of the retirement system upon re-entry.

School district employee—absence during vacation is service.

(c) Time during which an employee of a school district is absent from state service during official vacation shall be counted as service in determining eligibility for membership under this act."

Amending clause.

Section 3. That section 68-203 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Who ineligible to membership.

"68-203. **Who Are Ineligible to Membership in System.** The following employees shall not become members of the retirement system:

Elective officers, unless elect to join.

(a) Elective officers, other than elective officers who filed with the board of administration an election in writing to become members; provided, that any person so excluded

Retroactive inclusion.

from membership, who later becomes a member hereof, shall have the option of making contributions to the retirement system in the amount which he would have contributed had he not been so excluded, and he shall then receive credit for prior service in the same manner as if he had not been so excluded. If he shall affirmatively exercise the option, the contributions of the state, or the contracting city because of his membership, shall be the same as they would have been had he not been so excluded.

Inmates of state institutions.

(b) Inmates of state institutions who are allowed compensation for such service as they are able to perform.

Those training in state institutions.

(c) Persons in state institutions principally for the purpose of training, but who receive compensation.

Independent contractors.

(d) Independent contractors who are not employees.

HeinOnline -- 1955 164 1955

Part-time employees.

(e) Employees serving on a part time basis unless such employees are members at January 1, 1946, or any time of employment after that date on a part time basis, or unless such employment is regular and continuous and in the opinion of the employing power will extend for more than one (1) year, and requires service for at least one-half (½) the time required of employees in the same group or class, serving on a full time basis. Any employee who is a member at January 1, 1946, and who is serving on a part time basis not requiring at least one-half (½) the time required of employees in the same group or class serving on a full time basis, may elect to terminate his membership in the system. Any employee so selecting shall be considered as permanently separated from state service, solely for the purposes of section 68-701 (m).

In service prior to July 1, 1955 who elected not to join.

(f) Persons in state service on July 1, 1945, or prior thereto who filed with the board of administration an election not to become members, provided any person so excluded from membership by his own election may on or before, but not after, July 1, 1948, file with the board of administration an election to become a member and receive credit for prior service, and shall become a member of the retirement system on the date of filing such election. Such person shall receive credit for prior service only if his election to become a member is filed with the board on or before, but not after July 1, 1948, and shall have the option of paying to the retirement system all or part of the amount which he would have contributed had he not been so excluded but had been a member to and including the date of filing such election to become a member, plus interest which would have accumulated thereon through such date. Upon the retirement of such person under section 68-801, the pensions provided by contributions of the state under this act shall be the same as if such person affirmatively exercised the option to pay to the retirement system all of that amount with accumulated interest.

Election to join prior to July 1, 1948, prior service credits.

Direct appointment by governor not electing to join.

(g) Persons directly appointed by the governor, who do not file with the board of administration an election in writing to become members.

Members of any other retirement system.

(h) Persons who are members of any *other* retirement or pension system supported wholly or in part by funds of the United States government, any state government or political subdivision thereof and who are receiving credit

HeinOnline -- 1955 165 1955

in such other system for service, it being the purpose of this section to prevent a person from receiving credit for the same service in two (2) retirement systems supported wholly or in part by public funds, and no person shall receive such credit under any circumstances. Any member of the retirement system who, because of his employment by the state, shall be required to become a member of any such other systems, shall be considered solely for the purposes of section 68-701 (m) as permanently separated from state service. The accumulated contributions of any member who shall have died after becoming a member of such other system and before receiving said accumulated contributions, shall be paid to the beneficiary nominated by him to receive any death benefit payable under section 68-1101. Contributions to the retirement fund under section 68-1307 on the basis of compensation earned by members after the effective date of termination of membership herein because of the membership in such other system, shall be repaid to the fund from which said contributions were made. For the purpose of this section, persons who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to some other agency than the state and when such persons were not in state service, shall not be considered, because of such receipt, members of any other retirement or pension system."

Appointive board members on intermittent basis of service.

(i) Appointive members of boards and commissions who serve the state or contracting agency on an intermittent basis, and who are paid on a per diem basis.

Persons over 60 with no prior service.

(j) Persons who become public employees under the meaning of this act after they have reached their sixtieth birthday and have no creditable service in this system, and who do not file with the board of administration an election to become members.

Amending clause.

Section 4. That section 68-501 of the Revised Codes of Montana, 1947, as amended by section 4, chapter 186, laws of Montana, thirty-second session, 1951, and section 1, chapter 225, laws of Montana, thirty-third session, 1953, be, and the same is hereby amended to read as follows:

Board of administration members.

"68-501. **Board of Administration.** The board of administration shall consist of five (5) members appointed by the governor, three (3) of which members shall be public

HeinOnline -- 1955 166 1955

employees and shall be members of the retirement system, and two (2) of which shall be members at large. Terms of office shall be for five (5) years provided, however, that those first appointed after this act takes effect shall be for terms, respectively, of one (1), two (2), three (3), four (4), and five (5) years but their successors shall hold office for terms of five (5) years; provided not more than one (1) employee member of the retirement board shall be an employee of the same department, bureau or agency of the state or contracting public agency. Members of the board shall be paid their actual and necessary expenses and those members of the board who are not members of the public employees' retirement system shall be entitled to receive in addition to actual and necessary expenses compensation at the rate of ten dollars ($10.00) per day. Terms.

"The attorney general is hereby designated legal counsel for the board.

"(a) Vacancy on board — how filled. Any vacancy occurring ninety (90) days or more before the expiration of the term of any member of the retirement board shall be filled by appointment by the governor. The person thus appointed shall serve for the remainder of the unexpired term. Vacancies.

"(b) The board may establish such rules and regulations as it deems proper, within the limitations of this act and for its proper administration, operation and enforcement. The board shall elect one (1) of its members president, and shall appoint and fix the compensation of a secretary who shall have the power to administer oaths, and other necessary employees. It shall maintain its office in the city of Helena. A quorum of the board shall be three (3) members. The board may appoint a committee of one or more of its members, which shall have authority to perform routine acts, such as retirement of members and fixing the retirement allowances, approval of death claims and correction of records necessary in the administration of the system in accordance with the provisions of this act and rules and regulations of the board. All expenses of the administration of this act in excess of amount provided by the one dollar ($1.00) membership fee shall be a charge on the appropriation made from *the* general fund of the state. Powers and duties

HeinOnline -- 1955 167 1955

Board to determine who are employees.

"(c) The board shall determine who are employees within the meaning of this act and shall be the sole authority and judge under this act as to the conditions under which persons may be admitted to and continue to receive benefits under the retirement system, and shall have exclusive control of the administration and investment of the fund. As soon as practical after the close of each fiscal year, the board shall file with the governor a report of its work for such fiscal year.

Service and disability allowances.

"(d) Subject to the following and to all other provisions of this act, and such rules and regulations as it may adopt in pursuance thereof, the board shall determine and may modify allowances for service and disability.

Credits for service.

"(e) The board of administration shall fix and determine how much service rendered in any fiscal year shall be the equivalent of a year of service and parts thereof, but shall credit one (1) year for two hundred and fifty (250) or more days of service rendered by employees on a per diem basis and one (1) year for ten (10) months or more of service rendered by employees on a monthly basis, but not more than one (1) year for all service in any fiscal year. In determining the credit to be granted for service rendered on a part time basis, for purposes of calculating retirement allowances, the service shall be reduced to a full time basis according to the service required, in the next preceding sentence, for credit for one (1) year of service. In calculating benefits based on service so determined, except in calculating the additional pension provided in subdivision (g) of section 68-901 compensation earnable shall be taken as the compensation which would be earnable if the employment had been on a full time basis, and with a compensation derived by multiplying the member's compensation by ratio of full time to the time he was required by his employment to engage in his duties. In calculating the credit to be granted for service rendered on a part time basis, for purposes of determining qualifications for retirement, and of calculating benefits payable upon death before retirement, the service required in this paragraph for credit for a year of service shall not be used, but instead, a year of service shall be credited for each year during which the member was employed throughout the year on a part time basis and was engaged in his duties the full amount of time he was required by his employment

HeinOnline -- 1955 168 1955

to be so engaged. Credit for fractional years will be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

When absence from service without compensation allowed.

"(f) Time during which a member is absent from public service without compensation shall not be allowed in computing service; except that time during which a member is absent from public service by reason of having been ordered on duty with the armed forces of the United States, or by reason of voluntary service by the member in said forces or on ships operated by or for the United States government, either during a war involving the United States as a belligerent or in any other national emergency, and for ninety (90) days thereafter shall be considered as time spent in public service, for the purpose of qualification for retirement and death benefits, but not for calculation of retirement benefits unless the member elects to contribute and contributes under the retirement system. Any member so absent and until his return within the said ninety (90) days may resign from the system. Any members so absent shall have the right to contribute to said system, either during his service with the armed forces of the United States or in the merchant marine of the United States, and ninety (90) days thereafter or upon his return to the state service, at times and in a manner fixed by the board of administration, amounts equal to the contribution which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence. If he does so contribute he shall receive credit for public service for such time in the same manner as if he had not been absent from public service. Whenever a member elects to continue his contributions, the state or the contracting city, or county or other agency shall thereupon contribute an amount equal to that which it would have contributed under section 68-1307 or under the contract between the board and the legislative body, as the case may be, if the member had not been absent from state service.

"Any member so absent or any member absent from state service by reason of having been ordered by an authorized official of the State of Montana or the United States, to duties outside state service shall be paid upon his request,

HeinOnline -- 1955 169 1955

his accumulated contributions. Such payment shall terminate any election by said member under this section to contribute.

"Time during which a member is absent from public service by reason of injury or illness determined within one (1) year after the end of such absence as arising out of and in the course of his employment, shall be considered as spent in public service, for the purpose of qualification for retirement and death benefits, but not for the calculation of retirement benefits, except as he received compensation, as defined in this act and as distinguished from disability indemnity under the workmen's compensation act during the absence, and then only to the extent of compensation received.

Employees to file information as board requires.

"(g) Each employee shall file with the board of administration such information affecting his status as a member of the retirement system as the board may require.

Credit for prior service.

"(h) Credit for prior service shall be granted to each person other than persons who are employees of the university or of a contracting city at the time of becoming members of the retirement system, who has rendered such service as defined in this act, and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service. Credit for prior service shall be granted to each person who is employed by the university at the time of becoming a member of the retirement system regardless of whether he had been retired under the system prior to the effective date hereof, who has rendered such service as defined in this act and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service.

Credit for prior service—city employees.

"Credit for prior service shall be granted to each person who is employed by a contracting city at the time of becoming a member of the system, who has rendered such service as defined in this act, and who has become a member of the retirement system within three (3) years after last rendering prior service. Notwithstanding the three (3) sentences next preceding, credit for prior service shall be granted to each person employed by the state including the university, who became a member while employed on a part time basis, because of amendments to this retirement

HeinOnline -- 1955 170 1955

act, or who became a member prior to said amendments, because of a change in status to a full time basis. The credit for prior service to be granted persons employed by a contracting city who are included under the retirement system shall be established by contract between the board and the legislative body of such city; and such credit as may be granted to a person shall be in the form of a percentage, not to exceed the analogous percentage applicable to employees of the state, for each year of prior service. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act only if the membership in the retirement system continues unbroken until retirement or retirement allowance or until the granting of such other benefit; provided, that termination of membership by withdrawal of accumulated contributions followed by the redeposit of such contributions upon reentrance into public service as herein provided shall not constitute a break in membership, but this section shall not be construed to entitle any person to credit as prior service for time during which he was not in public service as defined in this act."

Credit where not previously granted.

Credit for any prior service, not previoulsy granted, shall be granted to a member upon request for retirement provided that the member has a total of not less than ten (10) years of creditable state service of which not less than three (3) years have been as a contributing member of the retirement system and the retirement allowance does not include credit for all state service prior to July 1, 1945, or in the case of a contracting city prior to the date of the contract, or July 1, 1947, whichever is earlier. Proper certification of such service must be furnished.

Conditions.

"(i) The management and control of the retirement system shall be vested in the board of administration, and it shall exercise the following powers and perform the following duties:

Board has management and control of system.

"(j) The board of administration shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this act. On July 1, 1946, and at the end of every two-year period thereafter, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries under the provision of

Records, data, computations, actuarial investigations.

HeinOnline -- 1955 171 1955

this act, and shall further cause to be made an actuarial valuation of the assets and liabilities of the public employees' retirement fund herein created, and from time to time shall determine the rate of interest being earned on the said retirement fund. Upon the basis of any or all of such investigation, valuation, and determination, said board shall adopt such mortality, service and other tables and such interest rate, in lieu of the interest rate specified herein, or any of such items as it shall deem necessary, and shall make such revision in rates of contributions of members as it may deem necessary to comply with the provisions of section 68-701. No adjustment shall be included in the new rates for time prior to the effective date of such revision.

Interest on contributions of members.

"(k) The board shall credit contributions of members of the state and contracting cities with interest at the rate being used under the system on the effective date hereof, compounded each June 30, subject to the foregoing subdivision (j) of section 68-501. At the end of each fiscal year, beginning with the second fiscal year of the operation of the retirement system, it may credit to all contributions held in the retirement fund *on* June 30 of the then current fiscal year, such interest in excess of said rate provided herein as it may deem proper in the light of the earnings of the retirement fund during such fiscal year, but such additional interest credited during any fiscal year shall not be greater than the excess of said earnings over the interest otherwise credited to contributions during that year. Interest at said rate, compounded annually, subject to said foregoing subdivision (j) hereof, shall be used in the calculation of benefits under any mortality table adopted by the board, regardless of any additional interest allowed on contribution under this paragraph.

Records and accounts to be kept.

"In addition to other records and accounts, it shall keep such records and accounts as may be necessary to show at any time:

The total accumulated contributions of members.

The total accumulated contributions of retired members less the annuity payments made to such members.

The accumulated contributions of the state and of contracting cities held for the benefit of members on account of service rendered as members of the retirement system.

HeinOnline -- 1955 172 1955

All other accumulated contributions of the state and of contracting cities which shall include the amounts available to meet the obligation of the state and of the contracting cities, respectively on account of benefits that have been granted to retired employees and on account of prior service of members.

Financial statement to be published annually.

"(l) In addition to rendering the annual report to the governor required by subsection (c) of this section, it shall cause to be published annually a financial statement showing an actuarial valuation of the assets and liabilities of the retirement system created by this act and a statement as to the accumulated cash and securities in the retirement fund as certified by the state auditor, but until all prior service is verified, the board of administration may omit from the financial statement published annually, assets and liabilities resulting from such prior service, and may include assets and liabilities on account of service rendered as members in amounts equal only to accumulated contributions held on account of such service."

Amending clause.

Section 5. That section 68-701 of the Revised Codes of Montana, 1947, as amended by section 2, chapter 176, 1953 session laws, be, and the same is hereby amended to read as follows:

Management of retirement fund.

"68-701. **Management of Retirement Fund.** The retirement fund shall be managed as follows:

(a) The board of administration shall have exclusive control of the administration of said fund except as otherwise provided.

Land board to invest.

(b) The said fund shall be invested by the state board of land commissioners as part of the long term investment fund.

(c) The board of administration shall deposit monthly in the state treasury all amounts received by it as provided in this section and section 68-1307.

State treasurer custodian of fund.

(d) The state treasurer shall be custodian of the retirement fund, subject to the exclusive control of the board of administration as to the administration thereof and the state board of land commissioners as to the investment thereof. All payment from said fund shall be made by him only upon vouchers signed by two (2) board members

HeinOnline -- 1955 173 1955

designated by the board of administration. A duly attested copy of a resolution of the board of administration designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the board of administration.

Interest to be paid into fund.

(e) Interest earned on any cash deposit in a bank by the state treasurer and income on other assets constituting a part of the said fund shall be paid into said fund as received. Income, of whatever nature, earned on the retirement fund during any fiscal year, in excess of the interest credited to contributions during said year shall be retained in said fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

Neither members nor employees of board to be interested in investment.

(f) Except as herein provided, no member and no employees of the board of administration shall have any interest direct, or indirect, in the making of any investment, or in the gains of profits accruing therefrom. And no member or employee of the said board directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits, nor shall any such member or employee in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an indorser or surety as to, or in any manner an obliger for investments by the board.

Rules of contributions, how set.

(g) The normal rates of contribution of members shall be based on sex and the age at the nearest birthday at the time of entrance into the retirement system. The normal rates of contribution shall be such as will provide an average annuity at age sixty-five (65) equal to one one hundred-fortieth (1/140) of the final compensation of members, according to the tables adopted by the board, for each year of service rendered after entering the system. Nothing in this section shall prevent the adoption of one (1) schedule of rates for males and one (1) schedule for females.

Amount of annuity receivable.

(h) The actual amount of annuity receivable by any member upon retirement shall be the actuarial equivalent of his accumulated contributions, as provided in subdivisions (a) and (k) of section 68-1307.

HeinOnline -- 1955 174 1955

Board to certify rates to department heads.

(i) *From and after July 1, 1955,* the board of administration shall certify to the head of each office or department of the state and to the registrar of the university the normal rate of contribution as provided in this act for each member in such office, department, or the university, respectively. The head of each office or department of the state shall apply such rate of contribution to the compensation of each member, and shall certify to the state auditor on each and every payroll the amount to be contributed and shall furnish immediately to the board of administration a copy of each and every such payroll; and each such amount shall be deducted by the head of each office or department and shall be remitted to the board. The registrar of the university shall apply the rate of contribution certified to him by the board to the compensation of each member employed by the university and the contributions so determined shall be deducted by the registrar of the university from the compensation of each such member; each such amount shall be remitted to the board and the registrar of the university shall furnish to the board a copy of each and every salary roll and payroll from which such amounts have been deducted. Each contribution deducted and remitted to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution shall be full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by members during the period covered by such payment, except their claims to the benefits to which they may be entitled under the provisions of this act.

Procedure.

Board to certify to city clerk rates.

(j) *From and after July 1, 1955,* the board of administration shall certify to the city clerk, or other officer designated by the legislative body, of each contracting city the rate of contribution as provided in this act for each member included under the retirement system respectively. The city clerk, or other officer, shall apply the rate of contribution certified to him by the board to the compensation of each member included in the retirement system and the contribution so determined shall be deducted by the city clerk, or other officer, from the compensation of each such member; each such amount shall be remitted to the board and the city clerk or other officer, shall furnish

Procedure.

HeinOnline -- 1955 175 1955

to the board a copy of each and every salary roll and payroll from which such amounts have been deducted. Each contribution deducted and remitted to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution shall be full and complete discharge and acquittance of all claims to the benefits to which they may be entitled under the provisions of this act.

Additional contributions permitted.

(k) Subject to the rules and regulations to be established and promulgated by the board of administration, any member may elect to contribute at rates in excess of those provided for in subsection (i) and (j) of this section of this act, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the state or contracting city any additional financial obligation. The provisions of subdivision (f) and (g) of section 68-203 shall apply also to additional contributions. The board, upon application shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contributions.

Annual membership fee.

(l) In addition to the contributions hereinbefore provided to be paid by employees who are members of the retirement system created by this act, every such employee shall pay an annual membership fee of one dollar ($1.00) which amount, together with other moneys appropriated for that purpose, shall be used for the support of the board of administration.

Withdrawal of contributions

(m) *From and after July 1, 1955,* should the state service of a member be discontinued otherwise than by death or retirement, he shall after the date of discontinuance, be paid such part of his accumulated contributions as he demands. The board may, in its discretion, withhold for not more than one (1) year after a member last rendered state service, all or part of his accumulated normal contributions if after a previous discontinuance of state service he withdrew all or part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the retirement fund as provided in subsection (n).

When board may withhold for one year.

Members with 10 or more years service— election.

Any member with ten (10) or more years of service, whose service is discontinued otherwise than by death or

HeinOnline -- 1955 176 1955

retirement, shall have the right to elect within ninety (90) days after such termination of service, and without right of revocation, whether to allow his accumulated contributions to remain in the retirement fund. Upon the qualification for retirement by reason of age or disability of a member who has elected to allow his accumulated contributions to remain in the retirement fund, he shall receive a retirement allowance in accordance with the provisions of section 68-901, exclusive of subparagraph (g) of section 68-901.

Redeposit allowed.

(n) Any member may redeposit in the retirement fund, in one sum or in not to exceed twelve (12) monthly or twenty-four (24) semimonthly payments, an amount equal to that which he withdrew therefrom at the last termination of his membership, subject to minimum monthly or semimonthly payments as fixed by the board of administration. If a member, upon re-entering the retirement system after a termination of his membership, does not elect to make or, having so elected, subsequently does not make such redeposit, he shall re-enter as a new member without credit for any service except the prior service credited to him before said termination, and the rate of his contribution for future years shall be the normal rate provided for in this act at his age of re-entrance; otherwise his rate of contribution for future years shall be the same as his rate prior to the last termination of his membership, and his membership shall be the same is if unbroken by such last termination. Regardless of whether such redeposit is made, the documents held by the retirement system as executed by said member prior to termination of membership shall be held by the system for the same purposes as prior to said termination, and beneficiaries nominated in such documents shall continue unchanged until changed as provided herein.''

Dormant account—transfer.

(o) The board may in its discretion transfer the savings account of a member to the pension accumulation fund if the account has been dormant for a period of ten (10) years provided that no right of the member shall be jeopardized by such transfer and the savings account shall be transferred to the member's name upon subsequent re-entry to membership.

Amending clause.

Section 6. That section 68-1001 of the Revised Codes

HeinOnline -- 1955 177 1955

of Montana, 1947, be, and the same is hereby amended to read as follows:

Reinstatement from disability retirement.

"68-1001. **Reinstatement From Disability Retirement.** (a) The board of administration, may, at its pleasure, require any disability beneficiary to undergo medical examination. Such examination shall be made by a physician or surgeon, appointed by the board, at the place of residence of said beneficiary or other place mutually agreed upon. Upon the basis of such examination the board shall determine whether said disability beneficiary is still incapacitated, physically or mentally, for service in the office or department of the state or of the contracting city, where he was employed and in the position held by him when retired for disability, or for duties proposed to be assigned to him. If the board of administration determines that said beneficiary is not so incapacitated, his retirement allowance shall be cancelled forthwith. If he was an employee of the state or of the university, he shall be reinstated to the position held by him when retired for disability or to a position in the same classification with duties within his capacity. If he was an employee of a contracting city, the board shall notify the proper official of said city that said disability has been terminated and that said person is eligible for reinstatement to duty. The fact that said person was retired for disability shall not prejudice any right to reinstatement to duty which he may have or claim to have.

Member not reinstated may be paid amount up to accumulated contributions.

"(b) In the case of such a member who is an employee of a contracting city, and who for any reason is not so reinstated or is not re-employed by said city in a position subject to the retirement system, he shall be paid an amount which is the actuarial equivalent of his annuity at that time, as based on a disabled life, but said amount shall not exceed the amount of his accumulated contributions as such amount stood at the time of his retirement for disability.

Re-entry of disability beneficiary.

"(c) Should a disability beneficiary re-enter the state service and be eligible for membership in the retirement system in accordance with section 68-202, his retirement allowance shall be cancelled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such re-entry. His individual account shall be credited with an amount which is the actuarial

HeinOnline -- 1955 178 1955

equivalent of his annuity at that time, as based on a disabled life, but such amount shall not exceed the amount of his accumulated contributions as such amount stood at the time of his retirement for disability. Such member shall receive credit for prior service in the same manner as though he had never been retired for disability."

Amending clause.

Section 7. That section 68-1002 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Reduction of disability benefit when employed.

"68-1002. **Reduction of Allowance When Employed.** Should a disability beneficiary engage in a gainful occupation not in the state service or should he re-enter the state service in a capacity ineligible for membership in the retirement system, the board of administration shall reduce the amount of his monthly pension to an amount which, when added to the compensation earned monthly by him in such occupation, shall not exceed the amount of his monthly compensation at the time of his reitrement. Should the earning capacity of such beneficiary be further altered, the board may further alter his pension to an amount which shall not exceed the amount upon which he was originally retired, but which, subject to such limitation, shall equal, when added to the compensation earned by him, the amount of his compensation at the time of his retirement.

Amending clause.

Section 8. That section 68-1003 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Refusal to submit to medical examination—effect.

"68-1003. **Effect of Refusal of Beneficiary to Submit to Medical Examination.** Should any disability beneficiary refuse to submit to medical examination, his pension may be discontinued until his withdrawal of such refusal, and should such refusal continue for one (1) year his retirement allowance may be cancelled."

Amending clause.

Section 9. That section 68-1101 of the Revised Codes of Montana, 1947, as amended by section 7, chapter 186, laws of Montana, thirty-second session, 1951 and section 2, chapter 225, laws of Montana, thirty-third session, 1953, be, and the same is amended to read as follows:

Death benefit

"68-1101. **Death Benefit.** Upon the death before retirement of a member while in the state service, or within four (4) months after the discontinuance of state service,

HeinOnline -- 1955 179 1955

or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from the discontinuance of state service, the retirement system shall be liable for a death benefit, which if there is a surviving wife or surviving children under eighteen (18) years of age, shall be paid in monthly installments and to the surviving wife and children as presented therein; otherwise such death benefit shall be paid to his estate, or to such person having an insurable interest in his life as he has nominated by written designation duly executed and filed with the retirement board; provided, however, that death benefits shall not be payable to the beneficiary of a member who (a) has elected a *joint life annuity option* as provided in section 68-1005, *Revised Codes of Montana, 1947, as amended,* or (b) who has received a disability retirement allowance as provided for in paragraphs (i) through (l) of section 68-901, *Revised Codes of Montana, 1947, as amended,* for a period of four (4) months immediately preceding death. Such death benefit shall consist of:

(a) His accumulated contributions, and in addition thereto,

(b) An amount, provided from contributions by the state, or by a contracting city, which shall be equal to one-twelfth (1/12th) of the annual compensation earnable by the deceased during the twelve (12) months immediately proceding his death, multiplied by the number of completed years of service under the system, but not to exceed fifty (50) per centum of such compensation.

Election by member or beneficiary.

(c) A member, or a beneficiary after death of a member, may elect, by written designation, duly executed and filed with the board of administration to have the death benefit provided in clauses (a) and (b) paid in monthly installments, fixed in number or amount, all subject to such rules and regulations as the board may adopt. Regular interest shall be credited on the unpaid balance of such benefit, at rates then in use under the system as adopted by the board from time to time.

Where industrial accident compensation awarded—refund of contributions.

(d) If compensation is awarded by the industrial accident board of the State of Montana by reason of a finding that the member's death resulted from injury or disease arising out of or in the course of employment, the death

HeinOnline -- 1955 180 1955

benefit payable hereunder shall be limited to *a* refund of the member's accumulated contributions. In any case where the industrial accident board makes a determination that death of a state employee resulted from injury or disease arising out of and in the course of employment and pays compensation therefor, the industrial accident board shall certify its findings and determination to the board of administration of the public employees' retirement system.

Survivorship provision.

(e) Survivorship provision. In lieu of the benefits provided in (a) and (b) above, if the deceased member is qualified by reason of service for a retirement benefit, the beneficiary nominated by the deceased member may elect to receive a monthly life annuity. Said monthly life annuity is to be based on the beneficiary's attained age at the time of the deceased member's death and to be calculated from an amount equal to the required reserve for the deceased member's creditable service, together with the deceased member's accumulated contributions; and provided that this provision be retroactive for all members who had an option for a lesser retirement allowance filed in the retirement system office at the time of their death.

Election by beneficiary.

(f) The beneficiary named in (e) above shall have the right within ninety (90) days of the member's death to elect to receive a death benefit instead of the benefit designated in (e) above."

Amending clause.

Section 10. That section 68-1303 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Retirement fund exempt from legal processes.

"68-1303. **Retirement Fund Exempt From Execution, Garnishment, Attachment or Assignment.** The right of a person to a pension, an annuity or a retirement allowance to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this act and the moneys in the fund created under this act shall not be subject to execution, garnishment, attachment, *state or municipal* taxes, or any other process whatsoever, and shall be unassignable except as in this act specifically provided."

Amending clause.

Section 11. That section 68-1306 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 181 1955

Ineligibility while in state service.

"68-1306. **Retired Members Not Eligible for** *Retirement Allowance While in State Service.* No person who has been retired for service or disability shall be paid *any retirement allowance during the time which he receives compensation for* service rendered by him to the state or to a contracting city after the date of his retirement."

Amending clause.

Section 12. That section 68-1308 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

All compensation used in computing maximum salary.

"68-1308. **Maximum Salary Considered.** *From and after July 1, 1955,* for the purpose of computing the total amounts of compensation of members under the provisions of section 68-1307, *all compensation shall be used.*"

Severability clause.

Section 13. If any clause, sentence, paragraph, section, subdivision, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative, or unconstitutional, such decision shall not affect, impair, or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision, or part directly adjudged to be invalid, inoperative or unconstitutional.

Repealing clause.

Section 14. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 15. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 93

An Act to Amend Section 75-1831 of the Revised Codes of Montana, 1947, Relating to the Method of Keeping Books and the Examination of Books of Third Class School Districts Not Maintaining a High School.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-1831 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 182 1955

Third class school districts not maintaining a high school—accounting methods prescribed.

"75-1831. (1039.7) **Examination of School District Books — Accounting Methods to be Prescribed — Reports.** It shall be the duty of the county auditor in all counties having an auditor, and the county treasurer in all counties not having an auditor, to prescribe the method of keeping the books in school districts of the third class *not maintaining a high school* in their respective counties, and to make an examination of the books of such third class school districts at least once every year, and whenever directed so to do by the board of county commissioners, or requested by the board of trustees of such school districts. It shall be the duty of the clerk of districts of the third class *not maintaining a high school* of each of the several counties of the state to deliver to the county auditor or treasurer, as in this act provided, between the fifteenth day of June and the fifteenth day of July of each year, all books, vouchers, claims, and other papers pertaining to his office, and take a receipt therefor, and all such books, vouchers, claims and papers shall be examined by said auditor or treasurer and returned to the several clerks, not later than August fifteenth of each year.

Examination of books.

Report of examiner to chairman of trustees.

"Upon the completion of the examination provided for in this act, the auditor or treasurer, as the case may be, shall report the result of his examination by sending to the chairman of each board of trustees a written report of such examination and file a copy of each such report in the office of the county superintendent of schools."

Copy filed.

Approved March 2, 1955.

CHAPTER 94

An Act to Amend Section 59-519, Revised Codes of Montana, 1947, Relating to Nepotism, and the Appointment and Employment of Relatives Within Certain Degrees, and Providing Exceptions Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 59-519, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Appointment of relative unlawful.

"59-519. (456.2) **Appointment of Relative to Office of Trust or Emolument Unlawful.** It shall be unlawful

HeinOnline -- 1955 183 1955

for any person or any member of any board, bureau or commission, or employee at the head of any department of this state or any political subdivision thereof to appoint to any position of trust or emolument any person or persons related to him or them or connected with him or them by consanguinity within the fourth degree, or by affinity within the second degree; *except that the provisions of this section shall not apply to sheriffs in the appointment of females as cooks and/or matrons.* It shall further be unlawful for any person or any member of any board, bureau or commission, or employee of any department of this state, or any political subdivision thereof to enter into any agreement or any promise with other persons or any members of any boards, bureaus or commissions, or employees of any department of this state or any of its political subdivisions thereof to appoint to any position of trust or emolument any person or persons related to them or connected with them by consanguinity within the fourth degree, or by affinity within the second degree."

Exception.

Agreements to appoint relative unlawful.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 95

An Act to Amend Section 31-126, Revised Codes of Montana, 1947, Relating to What Persons Are Exempt From License; by Providing That the Driver's License Issued Hereunder to Any Person Who Enters the United States Armed Forces, If Valid at the Time Such Person Enters Such Service, Shall Continue in Effect Until Thirty (30) Days Following the Date of Separation or Discharge From Such Service Unless Sooner Suspended, Cancelled, or Revoked for Cause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-126 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 184 1955

Drivers license —who exempt.

"Section 31-126. **What Persons Are Exempt From License.** The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the service of the army, navy, or marine corps of the United States;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

3. A nonresident who is at least fifteen (15) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator;

4. A nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as an operator or chauffeur subject to the age limits applicable to chauffeurs in this state except that any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this state.

5. Any nonresident who is at least eighteen (18) years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident."

6. A driver's license issued hereunder to any person who enters the United States armed forces, if valid and in force and effect at the time such person enters the service, shall continue in full force and effect so long as such service shall continue unless such license is sooner suspended, revoked or cancelled for a cause as provided by law, and for not to exceed thirty (30) days following the date on which holder of such driver's license is honorably separated from such service. During said thirty (30) day period, such license shall be valid only when in the immediate possession of the licensee while driving and the

HeinOnline -- 1955 185 1955

licensee has his discharge, separation, leave or furlough papers in his immediate possession.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 96

An Act Amending Sections 19-120 and 19-121 of the Revised Codes of Montana, 1947, Relating to the Charles Marion Russell Statue Commission and the Encouragement of Fine Arts in Montana; Providing for the Solicitation of Private Contributions for Such Purposes; Providing for the Montana Fine Arts' Commission and Defining Its Creation, Duties and Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 19-120 of the Revised Codes of Montana, 1947, be, and is hereby amended to read as follows:

Montana Fine Arts commission created.

"Section 19-120. **Commission — Creation — Purposes.** The governor of the State of Montana *ex officio, the secretary of the historical society of Montana, ex officio, and one other member to be appointed by the governor of the State of Montana for a term of six (6) years, shall constitute the Montana fine arts' commission.*

Purposes and duties established.

"The purposes and the duties of the commission shall be as follows:

(a) *As soon as funds are available therefor to:*

Charles M. Russell statue.

1. Secure and design a statue of the late Charles Marion Russell.

2. Attend to the construction of such statue in accordance with the laws, rules and regulations of the United States of America pertaining to such matters.

3. Furnish such statue, when complete, to the suitable representative of the United States of America, to be placed

HeinOnline -- 1955 186 1955

in the national statuary hall in the national capitol building in Washington, D. C.

4. Attend to the certification by the State of Montana of the designation of the late Charles Marion Russell as entitled to the honor hereby and by section 19-119 of the Revised Codes of Montana, conferred.

5. Generally foster and encourage, in honor of Charles Marion Russell, the fine arts in Montana and among other things, to receive for and on behalf of the State of Montana by donation and by purchase, art objects, to provide exhibitions and cause the same to be circulated in Montana.

6. Solicit and receive donations and works of art to accomplish the purposes hereof.''

Amending clause.

Section 2. That section 19-121 of the Revised Codes of Montana, 1947, be, and is hereby amended to read as follows:

Transfer of funds previously collected.

''19-121. *The funds previously collected for the above purposes and now held by the state treasurer are hereby transferred to a fund to be known as the Montana fine arts' commission fund and there held by the state treasurer as a special fund, not part of the general fund, and to consist only of private donations now and hereafter collected. Such funds may be expended only for the purposes enumerated in such paragraphs 1 to 6 inclusive in section 19-120 as amended herein, by the commission on approval of the state board of examiners.''*

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 97

An Act to Amend Sections 7 and 10 of Chapter 155 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana to Provide for the Government of a Public Hospital District by Three (3) Trustees; to Establish the Qualifications for Such Trustees and the Terms of Office Thereof; to Provide for the Manner of Nomination and Election of Such Trustees; to Provide for the Appointment of a Clerk of the Board

HeinOnline -- 1955 187 1955

of Trustees and to Provide for the Filling of Vacancies in Such Board or the Office of Clerk; to Provide the Manner of Making Rules and Regulations Concerning Such Hospitals as Are Operated by the Said Trustees; to Provide for the Procedures for Collection of Taxes for Said Public Hospital Districts; to Provide for the Duties of the County Treasurer in Relation to the Said Public Hospital District and to Provide for the Manner of Signing Warrants Upon the Funds Thereof; to Provide for the Effective Date of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 7 of chapter 155 of the session laws of the thirty-third legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Government of hospital district, election and terms of trustees.

"Section 7. **Government of District — Appointment,** *Election* **and Terms of Trustees.** Said hospital district shall be governed and managed by a board of three (3) trustees, elected by the persons within the district who have the same qualifications as voters upon the question of 'creation of the district.' The trustees must be elected from among the freeholders residing within said district, and the trustees elected for the first board shall serve for *terms commencing upon their being elected and qualified and terminating one (1) two (2) and three (3) years respectively, from the first Monday in May following their election,* and until their respective successors shall be elected and qualify. Annually thereafter there shall be elected a trustee to serve for a term of three (3) years and until his successor shall be elected and qualify *and such term of three (3) years shall commence on the first Monday in May following the said trustee's election.* The first board of trustees shall be elected at the same election held upon the creation of the district, subject to the creation thereof, shall qualify upon the organization of the district, if created, *and the trustees may be nominated and have their names appear upon the ballots upon the filing with the board of county commissioners of a petition signed by any five (5) qualified electors of the district. Any elector may sign as many nominating petitions as there are persons to be elected.* All elections *and nominations for election of*

When first elected.

Filing petitions, procedure.

HeinOnline -- 1955 188 1955

trustees thereafter, shall be conducted by said qualified voters in the same manner as *provided by the laws of the State of Montana for the election of school trustees of a second or third class school district, provided that wherever in the said laws of the State of Montana it is provided that certain action shall be performed or filings made with the clerk of the school board, the trustees or the board of trustees of the school district or the county superintendent of schools, the same shall, for the purposes of this act, be taken to refer to the clerk of the board of trustees of the public hospital district, the trustees or the board of trustees of the public hospital district or the county clerk, respectively.* The trustees at their first meeting shall adopt by-laws for the government and management of the district, *and shall appoint a qualified person to serve as clerk of the said board, who may or may not be one of their number. The trustees* shall serve without pay. A vacancy upon the board of trustees, *or in the office of clerk* shall be filled by appointment by the remaining members and the appointee shall serve until the next ensuing election for trustees."

Election procedure.

Adoption of by-laws.

Appointment of clerk.

Section 2. That section 10 of chapter 155 of the session laws of the thirty-third legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 10. **Regulations.** The trustees shall make proper rules and regulations for the management of such hospitals. The procedures for the collection of the tax shall be in accordance with the existing laws of the State of Montana. The funds collected under the tax levy shall be held by the county treasurer who shall be, ex officio, the treasurer for the hospital district and such treasurer shall keep a detailed account of all tax moneys paid into the fund, of all other moneys from any source received by the district, and of all payments and disbursements from the fund. Funds shall be paid out on warrants issued by direction of the board of trustees, signed by *the majority of its membership.*"

Rules and regulations.

Disposition of funds.

Section 3. This act shall be in full force and effect upon its passage and approval.

Effective immediately.

HeinOnline -- 1955 189 1955

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 98

An Act Relating to the Construction, Reconstruction, Improvement and Making of Additions to Municipal Water and Sanitary and Storm Sewer Systems, and Combinations Thereof; the Financing Thereof by the Issuance and Sale of Bonds Payable Solely From the Net Revenues of Such Systems; the Refunding and/or Repurchase of Such Bonds; and the Segregation, Administration and Investment of Such Net Revenues Pending Payment of Such Bonds; and Amending Sections 11-2217 to 11-2220 Inclusive, of the Revised Codes of Montana, 1947, as Amended.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-2217 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Cities and towns empowered to establish and operate sewage systems and water systems by vote of electors.

"11-2217. **Cities and Towns May Establish Sewage Treatment and Disposal Plants** *and Systems and Water Supply and Distribution Systems.* Any city or town may when authorized so to do by a majority vote of the qualified electors voting *on the question* establish, build, construct, reconstruct and/or extend a storm and/or sanitary sewerage system and/or a plant or plants for treatment or disposal of sewage therefrom, *or a water supply and/or distribution system, or any combinations of such systems,* and may operate and maintain such facilities for public use, and in addition to all other powers granted to it, such municipality shall have authority, by ordinance duly adopted by the governing body to charge just and equitable rates,

Charges.

charges or rentals for the services and benefits directly or indirectly furnished thereby. Such rates, charges or rentals shall be as nearly as possible equitable in proportion to the services and benefits rendered, and *sewer charges* may take into consideration the quantity of sewage produced and its concentration and water pollution qualities in general and the cost of disposal *of sewage and storm wa-*

HeinOnline -- 1955 190 1955

ters. The *sewer* charges may be fixed on the basis of water consumption or any other equitable basis the governing body may deem appropriate and, if the governing body determines that the sewage treatment *and/or storm water disposal* prevents pollution of sources of water supply, may be established as a surcharge on the water bills of water consumers or on any other equitable basis of measuring the use and benefits of such facilities and services. *In the event of nonpayment of charges for either water or sewer service and benefits to any premises, the governing body may direct the supply of water to such premises to be discontinued until such charges are paid.*

Discontinuance of service for non-payment.

"In this act 'qualified electors' shall mean registered electors of the municipality whose names appear upon the last preceding assessment roll for state and county taxes as taxpayers upon property within the municipality. The question of building, constructing, reconstructing or extending the system, plant or plants and the question of issuing and selling revenue bonds for such purpose may be submitted as a single proposition or as separate propositions. Any election under this act may be called by a resolution of the governing body which it may adopt without being previously petitioned to do so."

"Qualified electors" defined.

Section 2. That section 11-2218 of the Revised Codes of Montana, 1947, as amended by chapter 146 of the laws of the thirty-second legislative assembly, 1951, be, and the same is hereby further amended to read as follows:

Amending clause.

"11-2218. **May Issue Bonds — Sinking Fund — Rates for Service, Etc.** Any such municipality may issue and sell negotiable revenue bonds for the construction of any such *water or sewer system or combined water and sewer system* when authorized so to do by a majority vote of the qualified electors voting on the question at an election called by the city council or other governing body of the municipality for that purpose, and noticed and conducted in accordance with the provisions of sections 11-2308 to 11-2310, inclusive; which bonds shall bear interest *at a rate or rates and shall be sold at a price resulting in an average net interest cost, computed to the stated bond maturity dates, of* not more than five per cent (5%) per annum and all bonds shall mature within *forty (40)* years from date of bonds, and may be registered *as to ownership*

May issue revenue bonds for construction of water and/or sewer system.

Interest rates, terms.

HeinOnline -- 1955 191 1955

of principal only with the treasurer of said municipality, *if so directed by the governing body.* No bonds shall be sold for less than par, and each of said bonds shall state plainly on its face that it is payable only from a sinking fund, naming said fund and the ordinance and resolution creating it, and that it does not create an indebtedness within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness.

Prerequisite ordinance.

"Prior to the issuance of said bonds the city council or other governing body of such municipality shall adopt an ordinance or resolution authorizing the issuance and sale of said bonds.

Sinking fund.

"At the time of, or before the issuance and sale of any such bonds, the governing body must create a sinking fund for the payment of the bonds and the interest thereon and charges of the fiscal agency for making payment of the bonds and interest thereon.

"*A*t or before the issuance and sale of *any* such bonds, the governing body shall, by resolution or ordinance, set aside a sinking fund and pledge to the payment of the bonds and the interest thereon the net income and revenues of the system, including all additions thereto and replacements and improvements thereof subsequently constructed or acquired, up to an amount sufficient to provide for the payment of the principal and the interest on the bonds as such principal and interest shall become due and payable, and *to accumulate and maintain reserves securing such payments in such amount as shall be deemed by the governing body to be necessary and expedient.*

"Net income and revenues" construed.

"The said *net* income and revenues above-mentioned shall be construed to mean all the gross income from said *system* less *normal, reasonable and current expenses of* operation and *maintenance thereof.*

Payments are prior lien on system.

"Said payments above-mentioned shall constitute a first and prior charge and lien on the entire net income and revenues derived from the operation of said system, *provided that the governing body shall have power from time to time to establish the relative priority of the liens of successive issues of bonds upon said net income and revenues, subject to any restrictions contained in the ordinances or resolutions authorizing bonds of prior issues.*

Relative lien priorities may be established.

HeinOnline -- 1955 192 1955

"Any such municipality, by ordinance or resolution adopted by its governing body, and without an election, may issue and sell negotiable revenue bonds to refund bonds previously issued for any of the foregoing purposes, whether issued under authority of this section or any other applicable law."

Refunding bonds may be issued.

Any municipality having issued bonds payable from net revenues of its water and sewer system or combined water and sewer systems, whether under authority of this section or otherwise, may issue additional bonds after authorization by the qualified electors in the manner hereinabove provided, to finance the reconstruction and improvement of such system and the construction of additions thereto, and may provide that such additional bonds shall be payable from said net revenues on a parity with the outstanding bonds of such previous issues, subject to any restrictions upon such issuance which may be imposed by the resolutions or ordinances authorizing said outstanding bonds; or the governing body may provide for the issuance of refunding bonds, without an election, to retire such outstanding bonds and may, if desired, combine such refunding issue with the issue authorized by the electors for reconstruction, improvements and additions, or may include the amount required for such refunding in the amount of such additional issue when submitted to the electors. Said refunding bonds, or any bonds of any such combined issue, may be exchanged at par and accrued interest for all or part of said outstanding bonds, with the consent of the holders thereof, or may be deposited in escrow for the purpose of such exchange with a suitable bank or trust company within or without the state; or proceeds of the sale of the refunding or combined issue may be similarly deposited in escrow and applied to the redemption of all or part of the outstanding bonds at maturity or when the same are next prepayable according to their terms, and to the payment of accrued interest thereon and of any premium payable for redemption prior to maturity, and to the purchase and retirement of any outstanding bonds which can be so purchased at a price less than par plus interest to accrue to maturity or, if prepayable, at a price less than par plus interest to accrue to their earliest possible redemption date plus any premium payable upon redemption prior to maturity; and any revenue bond

Municipality may issue additional bonds for reconstruction and improvement.

Terms and restrictions.

May issue refunding bonds.

HeinOnline -- 1955 193 1955

proceeds so deposited in escrow may be invested in general obligations of the United States pending the use thereof for the purposes herein authorized, and any such investments shall be deposited with the escrow agent for safekeeping. Nothing herein shall, however, be deemed to authorize the refunding of any matured bonds for the payment of which net revenues on hand are sufficient, or to authorize the refunding of any outstanding bonds at a higher rate of interest unless available net revenues are insufficient to pay principal and interest due thereon, or unless the refunding is authorized simultaneously with the issuance of additional bonds for reconstruction, improvements or additions, which, according to the terms of the outstanding bonds, must be junior and subordinate to the lien of such outstanding bonds upon the net revenues.

Proviso—no refund issue where net revenues sufficient.

Amending clause.

Section 3. That section 11-2219 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Rates and charges fixed by municipality.

"11-2219. **Rates and Charges for Services.** The governing body of such municipality shall have full power and authority, and it is hereby made its duty to fix and establish, on the basis of water consumed or any other equitable basis, by ordinance or resolution, and collect rates and charges for the services and facilities afforded by the system.

Basis for rates and charges.

"The rates and charges established for the services and facilities afforded by this system shall be sufficient in each year to provide income and revenues adequate for the payment of the reasonable expense *of* operation and maintenance and for the payment of the sums required to be paid into the sinking fund and for the *accumulation of such reserves and the making of such expenditures for depreciation and replacement of said system as shall be determined necessary from time to time by the governing body, or as shall have been covenanted in the ordinances and resolutions authorizing the outstanding bonds.*

May readjust rates and charges within limits.

"The governing body shall have the right to change and readjust from time to time the rates and charges so fixed and established provided the aggregate of such rates and charges shall always be sufficient to meet the requirements mentioned in preceding paragraph."

HeinOnline -- 1955 194 1955

Amending clause.

Section 4. That section 11-2220 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Income from system to be kept separately.

"11-2220. **Income to be Kept Separately.** After any municipality has issued and sold revenue bonds under this act, it must keep all income and revenues derived from the operation of the system separate and distinct from all other revenues and shall keep books and accounts for such system separate and distinct from all other books and accounts.

Cash balance required.

Municipality may invest in U. S. general obligation bonds—or own bonds.

The governing body shall maintain a sufficient balance of cash in the sinking fund for the payment of principal and interest currently due on outstanding revenue bonds, but may in its discretion, and subject to any restrictions contained in the ordinances or resolutions authorizing such bonds, invest moneys in said sinking fund, or other net revenues held in reserves for bond payments, replacements or depreciation, in general obligation bonds of the United States of America or of the municipality itself. The income from all such investments shall remain part of the sinking fund or reserve from which the investment was purchased, and all such investments shall be collected at maturity or shall be sold when necessary to provide cash for the purposes of said sinking fund and reserves. Subject to the provisions of any such ordinances or resolutions the governing body may also apply net revenues to the purchase of outstanding revenue bonds which are not yet prepayable according to their terms, at such price as will yield a net return to the municipality, computed to the earliest redemption date of such bonds, and for the redemption of any of said bonds as and when the same become prepayable according to their terms.

Net revenues may be used to purchase outstanding revenue bonds, when.

Revenue bonds—claim limit, not a general municipal debt.

"Any such bonds and interest thereon shall be a valid claim of the holders thereof only against the sinking fund and the net income and revenues of the system pledged thereto and shall not constitute an indebtedness of the municipality within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness."

Not to affect powers of public service commission.

Section 5. Nothing contained in this act shall be construed to change or affect the powers and the duties of the

HeinOnline -- 1955 195 1955

public service commission of Montana prescribed in chapter 1 of title 70 of the Revised Codes of Montana of 1947.

Effective immediately.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1955.

CHAPTER 99

An Act Relating to the Creation of a Fact-finding Committee on Highways, Streets and Bridges; Declaring the Purpose of This Act; Creating the Montana Fact-finding Committee on Highways, Streets and Bridges; Prescribing the Powers and Duties of Said Committee; and Fixing a License Fee to Finance Said Committee and Appropriating Money for Said Committee; Providing for the Creation of the Montana Council for Highway Research and Specifying the Duties Thereof; Providing for Severability of the Provisions of This Act; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing That This Act Shall be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. The purpose of this act is to provide for a committee to study and review the laws and policies of the State of Montana relating to construction, maintenance, financing and use of highways, roads, streets and bridges within the State of Montana for the purpose of recommending to the 1957 legislative assembly necessary changes in the method of constructing and maintaining highways, roads, streets and bridges in the State of Montana, equitable and adequate methods of licensing and taxing motor vehicles and other property to finance an adequate and proper program, and to allocate responsibility and moneys between the state, counties and cities in order to provide for an adequate highway program, including county roads and city streets for the use of the public.

Creates "Montana Fact-Finding Committee on Highways, Streets and Bridges."

Section 2. There is hereby created the "Montana fact-finding committee on highways, streets and bridges," hereinafter referred to as the committee, which shall consist of twelve (12) members appointed by the governor; pro-

HeinOnline -- 1955 196 1955

vided, that not more than six (6) members of said committee shall, at time of appointment or thereafter, be members of the same political party. One (1) member shall be appointed from each of the twelve (12) highway financial districts, as defined in section 84-1815, Revised Codes of Montana, 1947, and shall be a bona fide resident of such district and such appointments shall be for the existence of the committee so created. Vacancies occurring or existing in the committee membership shall be filled by appointment by the governor; provided further, that no two (2) members of said committee shall at time of appointment or thereafter be residents of the same financial district as herein mentioned.

How composed.

Section 3. The committee shall organize on a date to be fixed by the governor, but not later than April 1, 1955, by electing one of its members chairman and by electing such other officers from its membership as the committee shall deem desirable. The committee is empowered to adopt rules of procedure and to make all arrangements for its meetings and to carry out the purposes for which it is created. The committee shall keep accurate records of its activities and proceedings.

To organize prior to April 1, 1955.

(a) The committee may employ an executive director and such other personnel, not members of the committee, as it deems necessary to assist in the preparation of its recommendations, statistics, proposed legislative acts and any other of its activities and shall fix the compensation of such employees.

May employ executive director and personnel.

(b) The committee is authorized to act until the commencement of the next regular session of the Montana legislative assembly and make its report on or before the tenth legislative day of such legislative assembly which will convene in the year 1957.

To act until next regular legislative session.

Section 4. The committee is hereby authorized and directed to ascertain, study and analyze all available facts and matters relating or pertaining to:

Powers and duties.

(a) A study of the policies relating to and the cost of administration, operation, construction and maintenance of public highways and streets of the state, with recommendations for such changes as may be deemed necessary;

Study of cost of administration.

(b) The need for and cost of bringing the highways and streets in the state to acceptable standards, the cost

Need for raising highway standard of construction.

HeinOnline -- 1955 197 1955

of maintaining them in such condition, the need and cost of expanding the highway and street system of the state to meet the increasing demands for travel and the demands arising from the changing economic and industrial development, and the determination of long range programs to provide the needed construction;

Study motor vehicle taxation.

(c) The making of a study of motor vehicle taxation including the assignment of the total highway costs among property owners, general taxpayers and highway users;

Apportionment of cost among classes of users.

(d) The determination of the portion of highway and street operation and construction costs assignable to the various highway users and classes of users so that all vehicles and classes of vehicles shall bear their fair share of such costs;

Determination of tax basis and rates.

Including Oregon weight-distance tax.

(e) The determination of the tax basis and rates to be exacted from each vehicle or user; including a complete study of the Oregon weight-distance tax and the determination of rates to be assessed to each class of highway user and to each weight group; provided further, that such study and determination shall include the preparation of bills necessary for the enactment of such legislation in the State of Montana and to resolve any conflict with laws currently in effect;

What to include in state highway system.

(f) A determination of what roads should be included in the state highway system and what changes should be made in the existing system;

General study of motor vehicle transport economics.

(g) Other studies of motor vehicles' transport economics, including, but not limited to, the inspection of motor vehicles to insure the safety of operation upon the highways, the control of loads and weights for the protection of the highway and street investments, and a study of such other factors and conditions as may appear necessary;

Participate in "Western Interstate Committee on Highway Policy Problems."

(h) Participate in the activities of the "western interstate committee on highway policy problems" of the eleven (11) western states in its study of highway problems upon a state and regional basis, and cooperate with and contribute to any study made by such committee of highway-user cost allocations in order to bring about equity and uniformity in this state and in the eleven (11) western states in highway-user taxes and fees; and participate in or make joint studies with relation to the design and construction of highways and the use and cost thereof;

HeinOnline -- 1955 198 1955

(i) The revision of any and all laws bearing upon or relating to the subject of this resolution together with the committee's recommendations for appropriate legislation; Revision of laws.

(j) To enter upon a review of the state highway system with particular consideration of the usefulness of all highways that are part of the state system, any need for a change in the state system by addition or deletion, and the relationship between the state system and county roads and city streets, but any such study shall not have for its purpose the increase of the present total mileage of either the primary or secondary roads; Revision state highway system.

(k) To participate with the state highway commission in any study which may be undertaken of the relationship of motor vehicle weights and highway design and costs. Participate with highway commission on studies.

Section 5. The committee, in order to accomplish the purposes of the act, shall have the following powers and duties: Powers and duties enumerated.

(a) To employ an executive secretary and such expert, clerical, and other help as may be necessary to carry out its duties;

(b) To examine and study the organization and practices of state, county and city offices and agencies relating to construction, maintenance, operation and financing of highways, streets and roads or relating to fees charged for the use of such highways, roads and streets;

(c) To examine the current condition of all state, county and city funds derived from use of the highways, roads or streets or designated for use on such highways, roads and streets;

(d) To hold public hearings and to make such investigations and surveys, or cooperate in the making of investigations or surveys, as it may deem desirable;

(e) To delegate to an executive committee or committees or subcommittees, consisting of its own members, any authority, responsibility or duties deemed appropriate and necessary for efficient operation;

(f) To compel the attendance of witnesses before its hearings and require the production of papers, documents or other evidence required by it, and to issue subpoenas for such purpose; Subpoena power.

HeinOnline -- 1955 199 1955

(g) To cooperate with and secure the cooperation of the state highway commission, state agencies, boards of county commissioners or officers, city councils and officers, and other associations, groups or institutions in investigating any matter within the scope of this act;

(h) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this act.

Reports required

Section 6. The committee shall report its findings and recommendations, together with any proposed legislative enactments it deems necessary, to the governor, the president of the senate and the speaker of the house, not later than commencement of the next regular legislative assembly.

Members' expenses and limitations.

Section 7. The members of the committee shall be reimbursed for their actual expenses, but not to exceed fifteen dollars ($15.00) per day, incurred while attending sessions of the committee or any subcommittee thereof, or other authorized business of the committee, plus transportation as provided for state officers. All expenses of the committee shall be paid from moneys appropriated as hereinafter provided in the usual manner of payments of claims against the state highway general fund.

Appropriation $35,000.00.

Section 8. There is hereby appropriated from the state highway general fund to the committee the sum of thirty-five thousand dollars ($35,000.00), or so much thereof as may be necessary to carry out the purposes of this act; provided, that in addition to all other fees prescribed by law, there shall be paid for each bus, truck, or trailer, registered for operation during the calendar year of 1956, at the time of registration, the following amounts:

Additional fees on commercial vehicles to reimburse all or part of appropriation.

For each trailer over 6,000 lbs. and up to 24,000 lbs. $0.50

For each trailer over 24,000 lbs. $1.00

For each passenger bus paying fees under the gross vehicle weight law $1.00

For each truck up to 6,000 lbs. $0.25

For each truck over 6,000 lbs. and up to 24,000 lbs. $0.50

HeinOnline -- 1955 200 1955

For each truck over 24,000 lbs. $1.00

That all such additional registration fees shall be remitted monthly by the county treasurer, on or before the fifteenth day of the month after collection, to the treasurer of the State of Montana for deposit in the state highway fund to replace the thirty-five thousand dollars ($35,000.00), or so much thereof as may be necessary to carry out the purposes of this act. Any excess funds shall remain in the highway fund for the construction, reconstruction, maintenance, engineering on the public highways of this state.

May use services of Montana council.

Section 9. The committee is authorized to avail themselves of the services of the Montana council, hereinafter created, for highway research and to cooperate with said body.

Council, how composed.

Section 10. The council shall consist of the chairman of the state highway commission, the state highway engineer, the district engineer of the U. S. bureau of public roads, ex officio members, and sixteen (16) additional members appointed by the governor of the State of Montana as follows:

One (1) representative each from organizations representing:

Agriculture, national highway users' conference, labor, logging, manufacturing, wholesale business, automobile dealers, retail business, automobile clubs, motor carriers, motor bus operators, mining, county commissioners, city officials.

Two (2) representatives from institutions of higher learning in this state.

The council shall complete its own organization, elect a chairman and such other officers as it may deem necessary. Members of the council shall serve at the pleasure of the governor.

Powers and duties of council.

Section 11. The council is hereby authorized and directed to:

(a) To confer with and advise the committee upon all matters which the committee may from time to time suggest.

(b) Consider the need for research or studies in all matters concerning highway construction, planning, needs, taxes, safety, and related matters.

HeinOnline -- 1955 201 1955

(c) Prepare reports on the feasibility or necessity for such studies and research.

(d) Recommend to the committee fields which require study or research and the methods to be used.

(e) Prepare and present to the committee an analysis of the results of research or studies undertaken as provided herein.

Saving clause.

Section 12. If any clause, sentence, paragraph, section, subdivision, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative, or unconstitutional, such decision shall not affect, impair or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision, or part directly adjudged to be invalid, inoperative, or unconstitutional.

Repealing clause.

Section 13. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 14. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 100

An Act to Repeal Section 91-4434 of the Revised Codes of Montana, 1947, Relating to Inheritance Tax on Property Transferred Subject to Any Charge, Estate or Interest Determinable by Death.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Section 91-4434, R.C.M., 1947.

Section 1. That section 91-4434 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Approved March 2, 1955.

CHAPTER 101

An Act to Amend Section 8-111 Relating to Hearings Before the Board of Railroad Commissioners of the State of Montana and Providing That the Said Board

HeinOnline -- 1955 202 1955

of Railroad Commissioners, or Its Agent, or Examiner, Must in Every Finding, Order, or Decision State the Reasons for the Making of Said Finding, Order or Decision.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 8-111, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"8-111. (3847.11) **Hearing to Consider Applications — Notice — Matters Considered — Manner of Conducting Hearings.** Upon the filing of such application by a class A or class B or class C motor carrier, the board shall fix a time and place for hearing thereon, which shall not be less than ten (10) days after such filing. The board shall cause a copy of such petition and notice of hearing thereon to be served upon an officer or owner of any motor carrier that in the opinion of the board might be affected by the granting of any such certificate and upon any railroad company operating into or through any town or city located on the proposed route of the applicant, and upon the state highway commission, at least ten (10) days before the date of hearing, and any such motor carrier or railroad company, and the state highway commission, and the governing board or boards of any such county, town or city into or through which such route or service as proposed may extend, and any person or corporation concerned are hereby declared to be interested parties to such proceedings, and may offer testimony for or against the granting of such certificate. If after hearing upon application for a certificate, the board shall find, from the evidence, that public convenience and necessity require the authorization of the service proposed, or any part thereof as the board shall determine, a certificate therefor shall be issued. In determining whether or not a certificate should be issued, the board shall give reasonable consideration to the transportation service being furnished or that will be furnished by any railroad, or other existing transportation agency, and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout twelve (12) months of the year and the effect which such proposed transportation service may have upon other forms of transportation service which are essential and in-

Hearing on application.

Notice.

Matter to be considered at hearing.

HeinOnline -- 1955 203 1955

dispensable to the communities to be affected by such proposed transportation service or that might be affected thereby. Provided, however, that an application by a class A or a class B or a class C motor carrier for a certificate may be disallowed without a public hearing thereon when it appears from the records of the board that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the board that public convenience and necessity do not require such proposed motor carrier service unless it is made to affirmatively appear in the application by a recital of the facts that conditions obtaining over said route or in said territory and affecting transportation facilities therein have materially changed since said public investigation and finding and that public convenience and necessity do now require such motor carrier operation.

When application may be disallowed without hearing.

"Provided further that any investigation, inquiry or hearing which the board has power to undertake or to hold, under the provisions of this act, may be undertaken or held by or before any member of the board, or by and before any agent or examiner of the board designated for the purpose by the board, and every finding, order, or decision made by a member of the board, or agent or examiner of the board so designated, *together with a statement in writing of the reasons therefor which statement must be included in such finding, order or decision,* pursuant to such investigation, inquiry or hearing, when approved and confirmed by the board and ordered filed in its office, shall be, and be deemed to be the finding, order or decision of the board; provided also, that any agent or examiner of the board designated as aforesaid, shall have power to administer oaths, examine witnesses and receive evidence."

Any member or agent may conduct hearing.

Findings, orders, decisions and reasons to be reviewed by board and filed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 2, 1955.

CHAPTER 102

An Act to Provide That the Board of Railroad Commissioners of the State of Montana Must Set for Hearing

HeinOnline -- 1955 204 1955

All Applications by Motor Carriers for Certificates of Public Convenience and Necessity and Issue Orders Thereon Within Certain Specified Times.

Be it enacted by the Legislative Assembly of the State of Montana:

Carrier application must be set for hearing within 60 days.

Section 1. All applications for certificates of public convenience and necessity as class A, class B, or class C carriers filed by motor carriers before the board of railroad commissioners must be set for hearing at a date and time certain, which said date of hearing must be not more than sixty (60) days after the date of filing of said application before said board, and the board must issue its finding, order or decision on said application and the evidence presented in support thereof at the time of said hearing within ninety (90) days from and after the said date of the filing of said application.

Findings, order, or decision within 90 days.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 103

An Act to Amend Section 84-4920 of the Revised Codes of Montana, 1947, Relating to the Revision of Incorrect Income Tax Returns by the Montana State Board of Equalization Relating to the Amount of Tax Due Under Any Return Shall be Determined by the Board Within Five (5) Years After Return is Made and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-4920 Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Board may revise incorrect returns.

"Section 84-4920. **Revision of Return — Time for Determining Tax — Examination of Records and Persons.** If, in the opinion of the board, any return of a taxpayer is in any essential respect incorrect, it may revise such return, or if any taxpayer fails to make return as herein required, the board is authorized to make an estimate of the taxable income of such taxpayer from any information

Where no return board may estimate income.

HeinOnline -- 1955 205 1955

in its possession, and to audit and state an account according to such return or the estimate so made by it for the taxes, penalties and interest due the state from such taxpayer. Except in the case of wilfully false or fraudulent return with intent to evade the tax, the amount of tax due under any return shall be determined by the board within five (5) years after the return was made, *and the board thereafter shall be barred from revising any such returns or re-computing the tax due thereon and no proceeding in court for the collection of such tax shall be instituted after the expiration of said period notwithstanding the provisions of section 84-4929 of the Revised Codes of Montana of 1947.* In the case of a wilfully false or fraudulent returns, the amount of tax due may be determined at any time after the return is filed and the tax may be collected at any time after it becomes due, and where no return has been filed, the tax may be assessed at any time.

Five-year limitation where not wilfully false or fraudulent.

Limitation does not apply where return false, fraudulent.

Power to examine, investigate.

The board, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of taxable income of any person where information has been obtained, may also examine or cause to have examined, by any agent or representative designated, by it for that purpose, any books, papers or records of memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or any officer or employee of such person, or the attendance of any person having knowledge in the premises, and may take testimony and require proof material for its information, with power to administer oaths to such person or persons."

Tolling of statute.

Section 2. The running of the above statute of limitations shall be suspended during any period that the federal statute of limitations for collection of federal tax has been suspended by (1) written agreement signed by the taxpayer or, (2) when the taxpayer has instituted an action which has the effect of suspending the running of the federal statute of limitations, and for one (1) additional year. If the taxpayer omits from net income an amount properly includable therein which is in excess of twenty-five (25%) per cent of the amount of net income stated in the return a proceeding in court may be begun within five (5) years after the return was filed.

HeinOnline -- 1955 206 1955

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1955.

CHAPTER 104

An Act to Provide for the Planning, Designation, Establishment, Use, Regulation, Alteration, Improvement, Maintenance, and Vacation of Controlled-access Facilities; the Acquisition of Lands Required Therefor; the Restriction of Intersections and Control of Approaches; the Establishment of Local Service Roads; the Prohibition of Certain Acts Thereon and Provision for Penalties Therefor; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing That This Act Shall be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is the declared policy of this state to facilitate the flow of traffic and promote public safety by controlling access to highways included by the bureau of public roads in the national system of interstate highways. Policy stated.

Section 2. **Definitions** — when used in this act: Terms defined.

(a) "Interstate highway" means any highway now included or which shall hereafter be included as a part of the national system of interstate highways.

(b) "Controlled access highway" means all portions of an interstate highway which the state highway commission shall determine and designate as unsafe for and impeded by unrestricted access of traffic from intersecting streets or alleys or public or private roads or ways of passage.

(c) "Controlled access facility" means and includes all streets, alleys, public roads, private roads and ways of passage intersecting any controlled access highway and all real property contiguous to the right-of-way of any controlled access highway.

(d) "Existing highway" means and includes all high-

HeinOnline -- 1955 207 1955

ways, roads and streets heretofore established, constructed and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated.

Resolution prerequisite to designation as controlled access highway.

Section 3. No part or portion of an interstate highway shall be designated as a controlled access highway unless the state highway commission shall, by a resolution adopted by a majority vote of the members in attendance at any regular or special meeting thereof, find and determine that traffic congestion will result from unrestricted access thereto, or that hills, curves, or other conditions with respect to traffic control or public safety render it unsafe to permit unrestricted access thereto. Such resolution shall contain a statement of the reasons for the adoption thereof, and shall set forth the location, distance and termini of the portion of the interstate highway designated as a controlled access highway.

Powers of highway authorities.

Section 4. **Powers of Highway Authorities.** The highway authorities of the state, counties, incorporated cities and towns, having authority to participate in the construction and maintenance of highways, are hereby authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide controlled access facilities for public use wherever such authority or authorities shall find and determine that traffic conditions will justify such special facilities. Provided, that within incorporated cities and towns, and upon county roads within counties, such authority or authorities shall be subject to the consent of the governing body. Said highway authorities of the state, counties, incorporated cities and towns, in addition to the specific powers granted in this act, shall also have and may exercise, relative to controlled access facilities, any and all additional authority now or hereafter vested in them relative to highways or streets within their respective jurisdictions. Said units may regulate, restrict, or prohibit the use of such controlled access facilities by the various classes of vehicles or traffic.

Design, restriction of ingress and egress of controlled access facility.

Section 5. **Design of Controlled Access Facility — Ingress and Egress Restricted.** The highway authorities of the state, counties, incorporated cities and towns are authorized to so design any controlled access facility and to so regulate, restrict or prohibit access as to best serve the traffic for which such facility is intended. In this con-

HeinOnline -- 1955 208 1955

nection such highway authorities are authorized to divide and separate any controlled access facility into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and other devices. No person shall have any rights of ingress or egress to, from or across controlled access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.

Acquisition of property for facility.

Section 6. **Acquisition of Property for Facility.** For the purpose of this act, the highway authorities of the state, counties, incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public property and property rights for controlled access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire property or property rights in connection with highways and streets within their respective jurisdictions. A right-of-way is hereby given, dedicated and set apart for controlled access facilities through, over, upon or across any county road and any street or alley intersecting a controlled access highway, and the acquisition of any such county road, street, or alley for use as a controlled access facility shall be deemed superior and a more necessary public use and purpose than the public use or purpose to which such road, street or alley has theretofore been dedicated.

Superior right-of-way established.

Elimination of grade intersections.

Section 7. **New and Existing Facilities; Grade Crossing Eliminations.** The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of controlled access facilities with existing state and county roads, and city or town streets at the right-of-way boundary line of such controlled access facility; and after the establishment of any controlled access facility, no highway or street which is not a part of said facility shall intersect the same at grade. No incorporated city or town street, county or state highway, or other public way shall be opened into or connected with any such controlled access facility without the consent and previous approval of the highway authority in the state, county, incorporated city or town having jurisdiction over

Consent required to connect with facility.

HeinOnline -- 1955 209 1955

Proviso for continuation of certain intersections.

such controlled access facility. Provided, however, that the commission may, whenever it determines that traffic is not thereby impeded and that public safety is not thereby impaired, authorize the continued intersection at grade of lightly traveled farm entrances and minor public roads as ways of access to controlled access highways in sparsely populated rural areas.

Existing roads and streets may be service roads.

Section 8. **Existing Roads and Streets as Service Roads.** In connection with the development of any controlled access facility the state, county, or incorporated city or town highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized over controlled access facilities under the terms of this act, whenever such local service roads are necessary for carrying out any of the provisions of this act. Such local service roads or streets shall be of appropriate design, and shall be separated from the controlled access facility proper by means of all devices determined to be necessary in carrying out the provisions of this act.

Facility to be marked with signs.

Section 9. **Marking of Facility With Signs.** After the opening of any new and additional controlled access facility, or after the designation and establishment of any existing street or highways as included, the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated by the erection and maintenance of signs indicating to drivers of vehicles that they are entering a controlled access area and that they are leaving a controlled access area.

Violations specified.

Section 10. **Violations Specified — Penalty.** After the opening of any new and additional controlled access highway facility, or after the designation and establishment of any existing street or highway as included, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on controlled access facilities; (2) to make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any

HeinOnline -- 1955 210 1955

vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section, or dividing line which separates such service road from the controlled access facility proper. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00), or by imprisonment in the city or county jail for not less than five (5) days nor more than ninety (90) days, or by both fine and imprisonment. Penalties.

Section 11. **Severability.** If any section, provision, or clause of this act shall be declared invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected. All laws or portions of laws inconsistent with the policy and provisions of this act are hereby repealed to the extent of such inconsistency in its application to controlled access facilities provided for in this act. Severability.

Section 12. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 13. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 2, 1955.

CHAPTER 105

An Act to Amend Section 75-3412 of the Revised Codes of Montana, 1947, as Amended by Chapter 189, Laws of 1951, and as Amended by Chapter 201 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana of 1953, Relating to Settlement of Transportation Matters and Controversies, by Providing for Rules and Regulations for Determining Residence of Pupils; and Providing for the Organization and Membership of the County Transportation Committees; and

HeinOnline -- 1955 211 1955

Providing for the Repeal of All Acts and Parts of Acts In Conflict Herewith; and Providing for This Act to be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-3412 of the Revised Codes of Montana, 1947, as amended by chapter 189, laws of 1951, and as amended by chapter 201 of the session laws of the thirty-third legislative assembly of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

Transportation committee to settle matters in controversy.

"75-3412. All transportation matters in controversy shall be settled by the county transportation committee hereinafter defined. Provided, that, if the applicant for transportation feels that he has not met with justice in the decision of the county transportation committee, he

Appeal.

may appeal to the state superintendent of public instruction, in which case the county superintendent shall send to the state superintendent of public instruction all data and evidence connected with the case.

Organization of committees.

"(a) To facilitate and administer the policies relating to the transportation of school pupils, there are hereby created county transportation committees. Such committees shall be organized in each county and shall consist of the county superintendent of schools, *the chairman of the board of county commissioners, or such other member of the board as he may designate, one representative chosen by each high school board of trustees, who shall be a member of the board, or the high school superintendent, and a trustee from the elementary districts in each high school district who shall be selected at a joint meeting of the elementary district boards within the high school district. In counties which do not have high school districts, the elementary district representatives shall be selected at a county-wide meeting of the boards of trustees of the elementary districts of the county in a number equal to those of the high school boards, excepting that in no case shall an elementary district member of the transportation committee be a member of a school board which is both a high school board and an elementary district board.* Provided, however, that the county transportation committee shall have not less than five members *and that where there is*

HeinOnline -- 1955 212 1955

only one high school board in the county that both the high school board and the elementary districts may select two representatives. The county superintendent of schools shall be chairman of this committee and a quorum shall consist of two-thirds (2/3) of the membership. It shall be the duty of the county transportation committee to approve bus routes and applications for increased transportation payments, and to act in all controversies resulting from transportation matters.

Quorum.

Duties.

"When the transportation interests of a district are affected by the actions and interest of the county transportation committee of another county, it shall be represented on the county transportation committee of both counties, but shall have a voice only in matters affecting its high school.

Districts in two counties.

"Any school district which objects to the particular bus route or transportation area to which it has been assigned may upon vote of its board of trustees signifying such objection, be assigned to an adjoining district or transportation area which maintains a public high school, provided that the board of trustees of the latter school is willing to have such district assigned to its area. In case of a continued disagreement, on the initiative of a petition signed by twenty percent (20%) of the qualified electors of any district indicating dissatisfaction with the area to which it has been assigned the board of trustees shall place the matter of which area to belong to at the trustee election in April; provided, however, that if such pupils are not transported to the nearest high school, the state reimbursement shall be limited to the amount which would be paid if they were transported to the nearest high school, unless such attendance has been approved by the county transportation committee and the state department of public instruction. The state board of education through the state superintendent of public instruction shall formulate such rules and regulations as may be necessary for establishing high school transportation areas for determining residence of pupils, and for carrying out the purposes of this act; provided, however, that such regulations shall not prevent or deny to any parent the right to transport or arrange for transportation of his children at his own expense to the high school of any district willing to accept them. Any patron of a school district or portion of a school

Procedure—objection to route or transportation area.

State board of education to formulate rules and regulations.

HeinOnline -- 1955 213 1955

district dissatisfied with transportation matters in his county shall have the right of appeal to the county transportation committee and to the state superintendent of public instruction."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 106

An Act to Provide for the Reconstruction of Major Bridges on the Designated Primary Highways of the State of Montana; Providing That the Highway Commission Must Adopt a Resolution as a Prerequisite to Expenditure; and Authorizing the State Highway Commission to Allocate Funds for Such Purposes Prior to Apportionment to the Financial District; Providing That Any Such Expenditure Shall be Deducted From Future Apportionments to the Financial District; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Commission may allocate money for bridge reconstruction.

Section 1. The state highway commission is hereby authorized to allocate from available state construction moneys for the federal aid highway system a sum of one million dollars ($1,000,000.00), or so much thereof as may be necessary, in any fiscal year for the reconstruction of any major bridge or bridges on the state primary highway system when the reconstruction of any such bridge or bridges would prohibit or seriously delay the orderly and necessary highway construction program in the financial districts if regularly apportioned funds were used.

Reconstruction project must be more than $500,000.00.

Section 2. The allotment of funds under this act may be expended by the state highway commission only on bridges where the engineer's estimate of cost of reconstruction is in excess of the sum of five hundred thousand dollars ($500,000.00) but only when the state highway commission by resolution, as part of its finding of public necessity,

HeinOnline -- 1955 214 1955

declares that a bridge should be reconstructed on a designated portion of the state primary highway.

Allotment made prior to apportionment.

Section 3. The allotment of such funds shall be made from available state construction moneys before apportionment to the financial district in accordance with section 84-1817 of the Revised Codes of Montana, 1947, as amended.

Deduction from future apportionments for 5-year period.

Section 4. The expenditure of moneys in any financial district from such allotment shall be deducted in equal installments from the future regular apportionments to that financial district over a period of not to exceed five (5) years, the first deduction commencing in the next fiscal year following the year in which the expenditure was made.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective after June 30, 1955.

Section 6. This act shall be in full force and effect from and after the 30th day of June, 1955.

Approved March 2, 1955.

CHAPTER 107

An Act Providing for an Identification Card Showing Evidence of Age, Which May be Accepted by Vendors of State Liquor Stores and Licensees Holding Licenses to Sell Beer and Liquor as Evidence of the Legal Age of Persons Desiring to Purchase Beer or Liquor; Prescribing the Form for Such Identification Cards and for the Printing and Distribution Thereof by the Montana Liquor Control Board; Providing for the Filing of Such Identification Cards by Vendors and Licensees and Authorizing the Inspection Thereof by Peace Officers and by Members and Representatives of the Montana Liquor Control Board; Providing That the License of Any Licensee in Possession of an Identification Card Properly Completed and Signed Shall Not be Suspended or Revoked for Selling Beer or Liquor to a Person Under the Age of Twenty-one (21) Years Who Has Presented Such Identification Card at the Time of Purchase; Prescribing Definitions and Empowering the Montana Liquor Control Board to Adopt Regulations to Effectuate

HeinOnline -- 1955 215 1955

the Purposes of This Act; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Terms defined.

Section 1. As used in this act the term

(a) "Licensee" means any person, firm or corporation licensed by the State of Montana to sell liquor and/or beer and includes the agents, servants and employees of any such person, firm or corporation;

(b) "Vendor" means the vendor of any State of Montana liquor store and includes all liquor store employees under the immediate supervision of such vendor;

(c) "Beer" means beer as defined, regulated and controlled by the Montana beer act (title 4, chapter 3, sections 4-301 through 4-356, inclusive, Revised Codes of Montana, 1947, as amended or supplemented);

(d) "Liquor" means liquor as defined, regulated and controlled by the Montana retail liquor license act (title 4, chapter 4, sections 4-401 through 4-441, inclusive, Revised Codes of Montana, 1947, as amended or supplemented) and the state liquor control act of Montana (title 4, chapters 1 and 2, sections 4-101 through 4-239, inclusive, Revised Codes of Montana, as amended or supplemented).

(e) "Permit" means a permit for the purchase of liquor issued pursuant to the state liquor control act of Montana (title 4, chapters 1 and 2, sections 4-101 through 4-239, inclusive, Revised Codes of Montana, 1947, as amended or supplemented).

Identification cards may be required.

Section 2. Any person who desires to procure any beer and/or liquor from any vendor or licensee may, for the purpose of aiding such vendor or licensee to determine whether or not such person is at least twenty-one (21) years of age, be required to complete and sign an identification card, which shall be in substantially the following form:

ALCOHOLIC BEVERAGES IDENTIFICATION CARD

Form of card.

This card if properly completed and signed may be accepted by the vendor or licensee named below for the purpose of establishing the legal age of the person designated who desires to purchase alcoholic beverages.

HeinOnline -- 1955 216 1955

— Fill in the Following —

Montana liquor permit No.....; issued at.....

Complete two or more of the following:

Social security card No.....; Issued at.....
date.....; birth certificate issued at
.....; date of birth.....
Draft card issued at.....; date of birth
.....

Discharge papers: service.....;
issued at.....; date of birth
.....

Military identification card or pass: service.....;
issued at..... date.....
age shown.....

Driver's license: date.....; issued at
.....; age shown.....

I hereby represent to..... that I am over the age of twenty-one (21) years, having been born on the.....day of....., 19....., at....., and this statement is made for the purpose of establishing my age in order to obtain service of alcoholic beverages with the full knowledge that I am subject to fine and/or imprisonment for any misrepresentation made herein. I have submitted the documents and papers checked on this card, and the person to whom submitted has compared the signatures thereon and has also compared the descriptions on said documents with my physical characteristics.

(Witness)..... (Signature).....
(Address)..... (Address).....

Liquor board to furnish.

The Montana liquor control board shall cause to be printed and distributed upon request to vendors and licensees blank forms of the identification card herein prescribed.

Cards to be filed.

Section *3*. The identification card prescribed by this act shall be filed alphabetically by the vendor or licensee at or before the close of business on the day when such card is executed, in a file box containing a suitable alphabetical index. Such cards shall be subject to examination upon request by any peace officer, or by any member or authorized representative of the Montana liquor control board.

Subject to examination.

HeinOnline -- 1955 217 1955

Where card presented license not to be revoked.

Section *4. The license of any licensee in possession of an identification card properly completed, signed and filed as provided in this act shall not be suspended or revoked* for selling beer and/or liquor to a person under the age of twenty-one (21) years who has presented such identification card at the time of purchase and delivered the same for filing as herein provided.

Liquor board may make rules or regulations.

Section *5.* The Montana liquor control board shall have the power to adopt such rules and regulations as it shall deem necessary or advisable to effectuate the purposes of this act.

Repealing clause.

Section *6.* All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 108

An Act to Amend Section 40-2413, Revised Codes of Montana, 1947, Relating to the Making, Fixing and Regulating of Insurance Rates and Premiums by Prohibiting Regulation of Dividends and by Regulating Deviations; Providing for Deviation From Class Rates, Schedules, Rating Plans or Rules; Copy of Application for Deviation Shall be Sent Simultaneously to Rating Organization; Consideration of Application for Deviation and Pertinent Data; and Each Deviation Permitted to be Filed Effective for Period of One (1) Year Unless Terminated Sooner With the Approval of the Commissioner; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for This Act to be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 40-2413, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Act not to prohibit or regulate dividends.

"40-2413. **Prohibiting Regulation of Dividends — Regulating Deviations.** Nothing in this act shall be construed to prohibit or regulate the payment of dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

HeinOnline -- 1955 218 1955

Provision regulating deviations from filings.

(a) In connection with regulating deviations, every member of or subscriber to a rating organization shall adhere to the filings made on its behalf of such organization except that:

Casualty insurance.

Written application.

1. In the case of casualty insurance to which this act applies any such insurer may make written application to the commissioner for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a class of insurance which is found by the commissioner to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance (1) comprised of a group of manual classifications which is treated as a separate unit for rate making purposes, or (2) or for which separate expense provisions are included in the filings of the rating organization. Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to such rating organization; and

Fire, marine, inland marine.

Written application.

2. In the case of fire, marine, and inland marine insurance to which this act applies any insurer may *make written application to the commissioner for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance or combination thereof. Such application shall specify the basis for the deviation and a copy thereof shall be sent simultaneously to such rating organization.*

Hearing on application notice.

(b) The commissioner shall set a time and place for a hearing *on such application* at which the insurer and such rating organization may be heard and shall give them not less than ten (10) days' written notice thereof. In the event the commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. *In considering the application for permission to file such deviation in the case of fire, marine and inland marine insurance, the commissioner shall give consideration to the available statistics and the principles for rate making as provided in section 40-2406 of this chapter.* The commissioner shall issue an order permitting the modification for such insurer

Hearing waived, when.

Commission order.

HeinOnline -- 1955 219 1955

to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory. *Each deviation permitted to be filed shall be effective for a period of one (1) year from the date of such permission unless terminated sooner with the approval of the commissioner.''*

One-year maximum limit.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 109

An Act to Amend Section 32-302, Revised Codes of Montana, 1947, Relating to the Powers and Duties of County Commissioners Respecting Highways and Providing That the County Commissioners of Any County May Enter Into and Contract Jointly or Independently With the Montana State Highway Commission, United States Bureau of Public Roads or Any Other Federal Agency to Acquire Rights-of-way, Survey and Construct Federal Farm to Market, Secondary or Feeder Roads, Within Such County by Such Method or Methods as May be Agreed Upon by the State Highway Commission and Such Board of County Commissioners and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-302, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County commissioners, powers, duties re: highways.

''32-302. (1622) **Powers and Duties of County Commissioners Respecting Highways.** The boards of county commissioners of the several counties of the state have general supervision over the highways within their respective counties.

Road districts, supervisors.

1. They may, in their discretion, keep the county divided

HeinOnline -- 1955 220 1955

into suitable road districts, place each of such road districts in charge of a competent road supervisor, and order and direct each of such supervisors concerning the work to be done upon the public highway in his district.

Plat books and surveys.

2. They may, in their discretion, provide and order the county surveyor, or if the county surveyor is incompetent, some other competent surveyor designated by the board, to prepare suitable plat books and have recorded therein with the county clerk a full description of every public highway within the county, showing each course by bearing and distance, with a full and complete map thereof, together with a record of all other proceedings with reference to the same.

General construction and maintenance.

3. They must cause to be surveyed, viewed, laid out, recorded, opened, worked, and maintained such highways as are necessary for public convenience as in this act provided, and cause to be erected and maintained thereon guide-posts, as provided in this act.

Abolition.

4. They must abolish or abandon in the manner provided in this act such public highways as are not necessary for the public convenience.

Acquisition of rights-of-way.

5. They must contract, agree for, purchase, or otherwise lawfully acquire the right-of-way over private property for the use of public highways, and for that purpose institute, when necessary, proceeding under sections 93-9901 to 93-9926, Revised Codes of Montana, 1947, paying for such right-of-way from the general road fund of the county; provided, however, where roads or trails are or will be dedicated to public use as a highway they may construct and maintain thereon substantially constructed cattle guards, appurtenances, and gates adjacent thereto.

Issuance of bonds.

6. They may, in their discretion, but subject to the limitation and provisions in the constitution and codes provided, issue bonds upon the faith and credit of the county for the construction or improvements of main highways, state highways, and bridges.

Let contracts when amount exceeds $1,000.00.

7. They may, in their discretion, but subject to the limitation and restriction provided in the codes for the letting of public contracts, let out by contract the construction, maintenance, and improvement of the public highways, and the construction, maintenance, or repairs of

HeinOnline -- 1955 221 1955

bridges when the amount of work to be done exceeds the sum of one thousand dollars ($1,000.00).

Elastic clause. 8. They may, in their discretion, cause to be done whatever may be necessary for the best interests of the roads and road districts of their several counties.

Traffic control. 9. They may limit or forbid, temporarily, any traffic or class of traffic, on the public highways or any part thereof, when in their discretion it is necessary that traffic be so restricted in order to preserve or repair such highways.

Reports to state commission. 10. They must make such reports, relating to the state roads under their supervision, to the state highway commission as may be requested by said commission.

Employment of road builder, terms, conditions. 11. They may, in their discretion, employ a competent road builder, who shall be paid for his services as such not to exceed twelve dollars ($12.00) per day and in proportion for parts of days, and his actual expenses, who shall serve during the pleasure of the board, whose duty it shall be, under the direction and control of said board, to prescribe the times and places when and where, all work shall be done on the roads of the county, report any delinquency or inefficiency of any road overseer, or any other person employed upon any such road, to the board of county commissioners, and perform such other duties as may be prescribed by said board. Provided, that in counties where the surveyor is not paid on annual salary, he may by agreement be employed by the county commissioners to perform the services of road builder and such county surveyor shall be paid for such services as above provided. Provided, that no county surveyor shall be paid hereunder for any duty otherwise required by law to be performed by him as county surveyor. Provided, however, that nothing in this act shall be construed to alter or repeal the provisions of sections 32-303 and 32-304, Revised Codes of Montana, 1947.

County surveyor may be employed.

Proviso.

Federal aid—conditions, procedure. *12. The county commissioners of any county may, in their discretion, whenever highway construction work is to be financed in whole or in part by federal funds, and the secretary of commerce of the United States of America shall affirmatively find that under the circumstances relating to a given project some other method than competitive bidding is in the public interest, may in the construction of farm to market roads, also designated as secondary*

HeinOnline -- 1955 222 1955

and feeder roads, enter into and contract jointly or independently with either the Montana state highway commission, the United States bureau of public roads, or any other federal agency heretofore established or which may be hereafter established, to acquire rights-of-way, survey, construct, and do any other thing essential and practical in securing such roads by force account, unit price or otherwise as may be agreed upon by said state highway commission and said board of county commissioners.''

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 110

An Act to Amend Section 82-1109, the Revised Codes of the State of Montana of 1947, as Amended by Chapter 138 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana of 1953, Relating to Claims for Which Appropriations Have Been Made; Providing a Time Limit Within Which Claims Must be Transmitted to the Board of Examiners, and Providing a Method for Handling Claims Not Presented Within Such Time Limit and Providing for the Rejection or Approval of Such Claims in the Order of Their Presentation; Providing for the Repeal of Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

That section 82-1109 of the Revised Codes of Montana, 1947, as amended by chapter 138 of the session laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended as follows:

Section 1. ''82-1109 (238) **Claims for Which Appropriations Have Been Made.** Any person having a claim against the state, for which an appropriation has been made, may present the same to the *state* board *of examiners* in the form of an account or petition, and the secretary of the board must date, number, and file such claim, provided, however, that all claims for which appropriations have been made must be transmitted to the said board not later than *twenty (20)* days after the close of each fiscal

HeinOnline -- 1955 223 1955

year, and claims submitted more than *twenty (20)* days after the close of each fiscal year *and not paid as provided by sub-section 3 of section 59-701 R. C. M., 1947, by reason of exhausted appropriation* shall be transmitted to the next succeeding legislative assembly in the same manner as provided in section 82-1119 Revised Codes of Montana, 1947. The said board must allow or reject claims submitted not later than *twenty (20)* days after the close of each fiscal year in the order of their presentation."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 111

An Act Defining Public Auction Sales and to Regulate and License Sale by Auction of New Merchandise, and to Fix the Amount of License Fees to be Paid, to Provide for the Collection Thereof and to Require Bond and the Filing of Inventories of Goods Sold, and to Provide for Exemptions From This Act, to Grant Full Power to Towns and Cities to Pass Auction Sale Laws and to Provide Penalties for the Violation or Non-compliance of Any of Terms of This Act, and to Provide a Saving Clause; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Public auction law.

Section 1. This act shall be known as the "public auction law".

Terms defined.

Section 2. The words "public auction sales" when used in this act, shall mean the offering for sale or selling of new goods, wares or merchandise to the highest bidder or offering for sale or selling of new goods, wares or merchandise at a high price and then offering the same at successive lower prices until a buyer is secured, in the manner defined and set out in sections 66-213 and 66-214.

The words "new goods, wares and merchandise" when used in this act, shall mean and include all goods, wares and merchandise not previously sold at retail.

Unlicensed sale at public auction unlawful, when.

Section 3. It shall be unlawful for any person, firm, association or corporation to sell, dispose of, or offer for

HeinOnline -- 1955 224 1955

sale at public auction in the State of Montana any new goods, wares or merchandise, unless such person, firm, association or corporation, and the owners of such new goods, wares or merchandise to be offered for sale or sold if such are not owned by the vendors, shall have first secured a license as herein provided and shall have complied with the other requirements of this act herein set forth.

License application 10 days prior to sale.

Section 4. Any person, firm, association or corporation desiring to offer any new goods, wares or merchandise for sale at public auction shall file application for a license for that purpose with the treasurer of the county in this state in which the said auction is proposed to be held. The application shall be filed not less than ten (10) full days prior to the date the said auction is to be held. The application shall state the following facts:

Contents of application.

(a) The name, residence and postoffice address of the person, firm, association or corporation making the application, and if a firm, association or corporation, the name and address of the members of the firm or officers of the association or corporation, as the case may be.

Corporation requirements.

(b) If the applicant is a corporation then there shall be stated on the application form the date of incorporation, the state of incorporation and if for a corporation formed in a state other than the State of Montana the date on which such corporation qualified to do business as a foreign corporation in the State of Montana.

Auctioneer's name, address.

(c) The name, residence and postoffice address of the auctioneer who will conduct such auction sale.

Inventory description of goods.

(d) A detailed inventory and description of all such new goods, wares or merchandise to be offered for sale at such auction which inventory shall set forth the cost to the applicant of the several items contained in such inventory.

Copies of notice to board of equalization.

(e) Attached to the application shall be copies of notices, which ten (10) days before the said application has been filed, shall have been mailed registered mail by the proposed seller to the state board of equalization of the State of Montana or such other department as may be charged with the duty of collecting gross income taxes, corporation licenses, or such other taxes of a comparable nature, and to the assessor of the county in which said auction is to be held. The said notices must state the precise time and

HeinOnline -- 1955 225 1955

place where the said auction is to be held, the approximate value of the new goods, wares or merchandise to be offered for sale or sold and such other information as the said state board of equalization or the said county assessor may request.

Duration of sale. (f) The number of days on which said auction will be held.

Verification. (g) The said application shall be verified.

Bond required. Section 5. At the time of filing said application, and as a part thereof, the applicant shall file and deposit with the said county treasurer a bond, with sureties to be approved by the said county treasurer, in the penal sum of two (2) times the value of the merchandise proposed to be offered for sale at public auction as shown by the inventory filed, running to the State of Montana, and for the use and benefit of any purchaser of any such new goods, wares or merchandise at the said auction who might have a cause of action of any nature arising from or out of a sale or sales at such auction or against the applicant or against the auctioneer; the said bond shall be further conditioned on the payment by the applicant of all taxes that may be payable by or due from, the applicant to the State of Montana or any department thereof or any subdivision of the State of Montana, municipal or otherwise, the payment of any fines that may be assessed by any court against the applicant or against the auctioneer for violation of the provisions of this act, and the satisfaction of all causes of action commenced within one (1) year from the date that such sale is made at any such auction and arising therefrom, provided, however, that the aggregate liability of the surety for all said taxes, fines, and causes of action shall in no event exceed the sum of such bond but there shall be no limitation of liability against the owners of the new goods, wares and merchandise or the auctioneer or the applicant for the license.

Conditions of bond.

County treasurer agent for service. In such bond the applicant and surety shall appoint the treasurer of said county in which said bond is filed the agent of the applicant and the surety for the service of process. At the time that said bond is filed and deposited with the county treasurer, as herein provided, the auctioneer shall appoint the said county treasurer the agent of the auctioneer for the service of process. In the event

HeinOnline -- 1955 226 1955

of such service of process, the agent on whom such service is made shall, within five (5) days after the service, mail by ordinary mail a true copy of the process served upon him to each party for whom he has been served, addressed to the last known address of such party. Failure to so mail said copy shall not, however, affect the court's jurisdiction.

Applicant and surety may be joined in actions.

The State of Montana or any department or subdivision, municipal or otherwise, thereof, or any person having a cause of action arising out of any sale of such new goods, wares or merchandise may join the applicant and the surety on such bond and the auctioneer in the same action, or may in such action sue either such applicant or the surety or the auctioneer alone.

License fees.

Section 6. The applicant desiring to file an application with the treasurer for a license to conduct a public auction shall pay to the treasurer of such county in which the said application is made, a license fee of fifty dollars ($50.00) *first day and twenty-five dollars ($25.00) per day for each succeeding day* that he proposes to conduct a public auction. And such applicant shall thereupon file the treasurer's receipt for such payment with the treasurer of the said county with whom the said application is filed. All moneys paid in accordance herewith shall be deposited by the county treasurer to the credit of the general fund of the county to which it is paid.

Fees to general fund.

License, limitations.

Section 7. Upon the filing of such application and after the applicant has established that he has fully complied with all the provisions of this act, the treasurer of said county, shall issue to the applicant a license authorizing the said applicant to conduct a public auction as proposed in said application; such license shall not be transferable and shall be valid only in the county where issued and shall not be valid in any town or city which has enacted an ordinance licensing public auction sales unless a license is also obtained from such city or town. No license shall be good for more than one (1) person, unless such persons shall be co-partners, nor for more than one (1) place in said county.

The treasurer of said county shall keep a record of such licenses in a book provided for that purpose, which shall at all times be open to public inspection.

HeinOnline -- 1955 227 1955

Form of license. No particular form of license shall be required to be issued by said treasurer. However, any license issued shall state the name of the person, firm, association or corporation which is licensed, the precise place at which such auction sale is to be held and the number of days for which the license is issued.

Sale inventory to be filed in 10 days. Section 8. Within ten (10) days after the last day of said auction sale, the applicant shall file in duplicate with the county treasurer of the county wherein said auction sale was held, an inventory of all merchandise sold at such auction and the price received therefor, which inventory shall be verified by the person who filed the application for the license with the said treasurer. The county treasurer shall immediately after receiving such report and inventory forward a copy thereof to the state board of equalization.

Penalty. Section 9. Every person, firm, association or corporation, either as principal or agent, who shall in any manner engage in, or conduct a public auction sale, without having first obtained a license as hereinbefore provided, or who shall knowingly advertise, represent or hold forth any sale of goods, wares or merchandise to be conducted contrary to the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not less than two hundred dollars ($200) and not more than one thousand dollars ($1,000.00), to which may be added imprisonment of not less than thirty (30) days and not more than one hundred and eighty (180) days.

Where act does not apply. Section 10. The provisions of this act shall not extend to the sale at public auction of livestock, farm machinery or farm produce or other items commonly sold at farm sales, or to auction sales by individuals of new merchandise, which was assessed personal property tax or is replacement stock of merchandise inventory which was assessed personal property tax in the county in which the sale is to be had, and to auction sales under the direction of any court or court officers as may be required by law nor shall it apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to a bona fide sale of goods, wares and merchandise by sample for future delivery, or by sales made by sheriffs, constables or other

HeinOnline -- 1955 228 1955

public officers selling goods, wares and merchandise according to law, nor to bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors.

Cities and towns may license also.

Section 11. The towns and cities of the State of Montana are hereby given full power and authority to tax, license and regulate persons, firms, associations or corporations engaging in or desiring to engage in public auctions, and may require a license and charge a fee therefor; but such license fee shall not exceed the amount provided in this act for a county license but shall be in addition thereto and such towns and cities may provide for penalties for violations of said ordinance. A city or town license shall not be in lieu of a county license.

Saving clause.

Section 12. If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such constitutionality or invalidity shall not affect the constitutionality or validity of the remaining portion or portions of this act.

Effective immediately.

Section 13. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 112

An Act to Amend Section 4-123 of the Revised Codes of Montana, 1947, Relating to the Powers of the Montana Liquor Control Board in the Issuance of Permits to Purchase Alcoholic Beverages; Eliminating Certain Classes of Such Permits; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Permits.

Section 1. That section 4-123 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

"Section 4-123. (2815.77) *Individual Permits — Special Permits — Fees.*

HeinOnline -- 1955 229 1955

Classes.

(1) There shall be two (2) classes of permits under this act:

(a) Individual permits.

(b) Special permits.

Procedure.

(2) Upon application in the prescribed form being made to the board or to any official authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the board, or such official being satisfied that the applicant is entitled to a permit for the purchase of liquor under this act, the board or such official shall issue to the applicant a permit of the class applied for, as follows:

Individual permit.

(a) An "individual permit" in the prescribed form may be granted to an individual of the full age of twenty-one (21) years who is not disqualified under this act, entitling the applicant to purchase liquor for beverage, medicinal or culinary purposes, in accordance with the terms and provisions of the permit, and the provisions of this act, and the regulations made thereunder;

Special permits.

(b) A "special permit" in the prescribed form may be granted to a druggist, physician, dentist, or veterinary, or to a person engaged within the state in mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling the applicant to purchase liquor for the purpose named in such "special permit", and in accordance with the terms and provisions of such "special permit" and in accordance with the provisions of this act, and the regulations made thereunder;

(c) A "special permit" in the prescribed form may be granted to a minister of the gospel, entitling the applicant to purchase wine for sacramental purposes only in accordance with the terms and provisions of such "special permit";

(d) A "special permit" in the prescribed form may be granted, when authorized by the regulations, entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the terms and provisions of such permit, and of this act, and the regulations made thereunder.

Fee, individual permit.

(3) (a) For an "individual permit" under clause (a) of subsection 2 hereof, the fee shall be fifty cents (50¢);

HeinOnline -- 1955 230 1955

(b) *For a "special permit" under clauses (b), (c) and (d) of subsection 2 hereof, the fee* shall be fixed and determined by the regulations made hereunder. Special permit, fee to be fixed.

(4) No one, who has been convicted of keeping, frequenting or being an inmate of a disorderly house, shall be entitled to a permit until after the expiration of one (1) year from the date of such conviction. One-year proscription.

(5) Notwithstanding any other provisions of this act, the board may in its discretion cancel any subsisting permit or refuse or direct any official authorized to issue permits to refuse to issue a permit to any person and no official so directed shall issue any such permit." Power to cancel or refuse permit.

Approved March 2, 1955.

CHAPTER 113

An Act to Amend Section 26-320 of the Revised Codes of Montana, 1947, Relating to Closed Season and Bag Limit on Migratory Game Birds; Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 26-320 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"Section 26-320. **Closed Season and Bag Limits On Migratory Game Birds.** Laws relating to migratory birds are prescribed by *the regulations of the United States department of interior and the fish and wildlife service.* Open season, bag limit and other rules and regulations are announced each year by proclamation by the president of the United States. After each proclamation, the state fish and game commission by proper action will adopt, advertise and enforce such proclaimed regulations as may be applicable to the State of Montana. *Any person or persons violating any provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished as provided by law.*" Migratory game birds—season and limits—presidential proclamations adopted.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1955.

HeinOnline -- 1955 231 1955

CHAPTER 114

An Act to Amend Section 26-335 of the Revised Codes of Montana, 1947, as Amended by Chapter 101 of the Session Laws of 1949, Relating to the Use of Explosives or Poison in Taking Fish and Making the Same Unlawful and Providing Penalties Therefor; and Providing That All Acts or Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-335 of the Revised Codes of Montana, 1947, as amended by chapter 101 of the session laws of 1949, be, and the same is hereby amended to read as follows:

Unlawful to take fish by explosives or poison.

"Section 26-335. **Use of Explosives or Poison in Taking Fish Unlawful — Penalty — Exceptions.** If any person or persons shall use any carbide, lime, giant powder, dynamite, or other explosive compounds, or any corrosive or narcotic poison or other deleterious substance, or have any of the same in his possession within one hundred (100) feet of any stream where fish are found, for the purpose of catching, stunning or killing fish, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished *as provided by law.* The provisions of this section shall not apply to anyone duly authorized by the Montana fish and game commission to conduct lake or stream surveys or to control undesirable or overpopulated species of fish."

Possession prohibited, when.

Exception.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 115

An Act to Amend Section 26-114 of the Revised Codes of Montana, 1947, Relating to the Making of Sheriffs, Constables, Peace Officers and State Forest Officers Ex-officio Deputy Fish and Game Wardens; to Provide for Revoking Special Deputy Fish and Game Warden Appointments; Repealing Section 26-113 of the Revised Codes of Montana, 1947, Relating to the Appointment

HeinOnline -- 1955 232 1955

of Special Deputy Fish and Game Wardens; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-114 of the Revised Codes of the State of Montana, 1947, be, and the same is hereby amended to read as follows:

Ex-officio fish and game wardens appointed, expense allowances.

"Section 26-114. **Sheriffs, Constables, Peace Officers and State Forest Officers.** All sheriffs and their deputies, constables, all peace officers of the state, or any subdivision thereof, and all state forest officers, *and such other officers of the United States forest service or agents of the United States fish and wildlife service which are assigned to duty in this state, as the director, with the approval of the state fish and game commission, may appoint* are hereby made ex-officio state fish and game wardens, without pay, except that the commission may, in its discretion, allow actual and necessary traveling expenses, which, if allowed, shall be paid upon proper vouchers from the state fish and game funds, and shall have the same powers with reference to the enforcement of the fish and game laws of this state as regularly appointed state fish and game wardens, and it is hereby made their duty to assist, whenever possible, in the enforcement of said laws."

Repealing Section 26-113, R.C.M., 1947.

Section 2. That section 26-113 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Revocation of prior appointments.

Section 3. That all special deputy fish and game warden appointments made prior to this act be, and the same are hereby revoked.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 116

An Act to Amend Section 26-702 of the Revised Codes of Montana, 1947, Relating to Permit to Resident to Ship Animals or Parts of Animals From the State, and Repealing All Acts or Parts of Acts in Conflict Herewith.

HeinOnline -- 1955 233 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-702 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Permit to transport certain game or animals from state.

"Section 26-702. **Permit to Resident to Ship,** *Take, or Transport in Any Manner Game* **Animals,** *Upland Game Birds, Migratory Game Birds, Game Fish, Fur-bearing Animals or the Skins of Fur-bearing Animals* **or Parts** *Thereof* **from State.** Any resident of this state who desires to ship, *take or transport in any manner* out of the state any game animals, *upland* game birds, *migratory game birds, game* fish, fur-bearing animals, or the skins of fur-bearing animals, or parts thereof, legally taken or killed in the state during the open season therefor shall first procure a permit from the state fish and game *director,* said permit stating the name of the consignee and the consignor, *if shipped,* destination and number and kind of *upland* game birds, *migratory game birds,* game animals, *game* fish, fur-bearing animals, or the skins from fur-bearing animals, or parts thereof, *said permit to be kept with said upland game birds, migratory game birds, game animals, game fish, fur-bearing animals, or the skins from fur-bearing animals, or parts thereof, until the same have reached their destination, and if said upland game birds, migratory game birds, game animals, game fish, fur-bearing animals, or the skins from fur-bearing animals, or parts thereof, are* to be shipped, said permit shall be presented to the transportation company with consignment."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1955.

CHAPTER 117

An Act to Amend Section 80-740 of the Revised Codes of Montana, 1947, by Requiring the Warden of the State Prison to Advise the Board of Pardons of the Good Time Granted to Convicts and by Deleting Conflicting Portions of Said Section; Repealing Sections 80-739 and 80-741 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date Clause.

HeinOnline -- 1955 234 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 80-740 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Good behavior allowance authorized.

"80-740. **Good Behavior Allowance for Convicts in Certain Employments.** The state board of prison commissioners is hereby authorized and required to adopt rules and regulations applicable to all convicts employed upon any prison work or activity whereby said convicts so employed, but only while so employed, may be granted good time allowance which shall operate as a credit of time from his sentence as imposed by the court, conditioned upon such convicts' good behavior and compliance with all rules and regulations which may be made by said board or superintendent or warden of the state prison, for the management and control of said prison and such convicts; provided, said rules may grant not to exceed good time allowance of ten (10) days per month, and further, provided, that an attempted escape by the convict, or such violation of the rules and regulations so prescribed, as in the judgment of said board should be punished by forfeiture of such extra good time, shall operate as forfeiture of all extra good time as may have been allowed by said board of prison commissioners, now authorized in this act. *The warden of the state prison shall advise the board of pardons of the good time allowances granted to all convicts each month.*"

Limitation.

Warden to report allowances.

Repealing Sections 80-739 and 80-741, R.C.M., 1947.

Section 2. That sections 80-739 and 80-741 of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith, be, and the same are hereby repealed.

Effective after April 1, 1955.

Applicable to existing cases.

Section 3. This act shall be in full force and effect from and after April 1, 1955. The provisions of this act are hereby extended to all persons who, at the effective date hereof, may be on probation or parole, or eligible to be placed on probation or parole under existing laws with the same force and effect as if this act had been in operation at the time such persons were placed on probation or parole or became eligible to be placed thereon, as the case may be, provided that no person convicted and sentenced before the effective date shall have his rights and earned good time reduced by the application of this act.

Approved March 2, 1955.

HeinOnline -- 1955 235 1955

CHAPTER 118

An Act to Amend Section 2, Chapter 82, Laws of 1949, Providing for Salary of the Commandant of the Soldiers' Home of the State of Montana; and Providing for the Qualifications Necessary for the Commandant of the Soldiers' Home of the State of Montana to Possess.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 2, chapter 82, laws of 1949, be, and the same is hereby amended so as to read as follows:

Soldiers' Home commandant, salary increased, qualifications.

"Section 2. The board of managers shall appoint a commandant of the soldiers' home, who shall receive a salary not to exceed *four hundred dollars ($400.00)* per month, who shall be a resident of the State of Montana, and shall have served *in the army, navy, air force or marine corps* of the United States during *a time when the United States of America was involved in war or a state of national emergency,* and shall have received an honorable discharge therefrom.

Rules and regulations.

They shall formulate and publish all necessary rules and regulations to be reasonably and impartially enforced by the commandant of the home, subject to appeal to the board of managers.

Residents preferred in employment.

All subordinate officials and employees of the home shall preferably be selected from residents of the state who have served in the army or navy of the United States and have been honorably discharged therefrom.

Board of managers to fix compensation.

The salaries of the commandant and all subordinate officials and such other employees as may be necessary shall be fixed by said board of managers; provided, that the compensation so paid shall in no case exceed such reasonable and necessary compensation as is paid for like services in similar institutions.

Commandant to have power to discipline

Hearing provided.

Any such subordinate official or employee may be suspended or discharged by such commandant for inefficiency or misconduct and a statement of the case shall be reported to the said board, who shall upon application offer such official or employee a hearing, and the action thereon of the board shall be final."

HeinOnline -- 1955 236 1955

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall take effect and shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 2, 1955.

CHAPTER 119

An Act to Bring Up-to-date and in Harmony With Current Standards Recognized Herein and Adopted Hereby Certain Provisions of Chapter 1, Entitled 'Pure Food and Drug Act' Under Title 27, Revised Codes of Montana, 1947, Entitled 'Food and Drugs', and for Such Purposes to Amend Four (4) Sections of the Revised Codes of Montana, 1947, Under Said Chapter, Namely Sections 27-110, 27-112, 27-116 and 27-117, Revised Codes of Montana, 1947, Which Sections Contain References to the Federal Food and Drug Act of June 30, 1906, and to Rules and Regulations Promulgated Thereunder by Its Administrators, While the Same Were in Force, and Which Federal Act (and the Rules and Regulations Promulgated Thereunder) Were Afterwards Repealed by the Congress of the United States Under and by the Provisions of the Federal Food, Drug and Cosmetic Act of June 25, 1938, 52 U. S. Statutes at Large 1040, and Following Sections Thereunder Upon Such Subjects (Title 21 U. S. C. 301, and Following Sections Thereunder Upon Such Subjects), and to Substitute for the References to Such Repealed Act of 1906, and to the Rules and Regulations Promulgated Thereunder, References to the Said Federal Food, Drug and Cosmetic Act, Approved June 25th, 1938, as Revised, Amended and Supplemented, References to the Rules and Regulations Promulgated Thereunder, to the Extent Herein Prescribed, and Not Otherwise, and to Charge the State Board of Health of the State of Montana With the Responsibility for the Administration and Enforcement of the 'Pure Food and Drug Act' of Montana, and All Other Acts Whereby Powers and Functions Are Placed in Said Board and Duties Are Assigned to Said Board in the Field of Food and Drug Regulations; and to Authorize and Direct the Said State Board of Health to Adopt, Subject to the

HeinOnline -- 1955 237 1955

Limitations and Conditions in This Act Set Forth, the Food and Drug Standards of, and the Rules and Regulations Authorized Under and by, the Federal Food, Drug and Cosmetic Act of 1938, as Amended, and as Supplemented, for Application in the State of Montana; and to Make the Board, as a Board, the Responsible Administrative Agency in the Administration and Enforcement of Such Laws; and to Repeal Section 27-114, Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 27-110, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

When dealer not to be prosecuted.

"Section 27-110 (2588). **When Dealer Not to Be Prosecuted — Guaranties — Reference to Federal Standards.** No dealer shall be prosecuted under the provisions of this act for selling or offering for sale any article of food or drugs, as defined herein, when the same is found to be adulterated or misbranded within the meaning of this act, in the original, unbroken package in which it was received by said dealer, when he can establish *(a)* a *guaranty,* signed by the wholesaler, jobber, or agent, or other party residing in the United States from whom he purchased such article, or *(b)* if a proper printed *guaranty* of the manufacturer with his address be upon the package or container, to the effect that the same is not adulterated or misbranded in the original unbroken package in which the said article was received by said dealer, within the meaning of this act, designating it, or *within the meaning of the federal food, drug and cosmetic act of June 25, 1938, 52 United States statutes at large, 1040 through 1059; title 21, United States code, sections 301-392 (from time-to-time revised, amended and supplemented.)* Said *guaranties, in order to* afford protection *thereunder for any dealer,* must contain the name and address of the party or parties making the sale of such article to such dealer, or of the manufacturer thereof, as herein specified, and in such case said party shall be amenable to prosecution, fines and other penalties, which would attach in due course to the dealer under the provisions of this act."

Guaranties.

Reference to federal standards.

Amending clause.

Section 2. Section 27-112 (2591), Revised Codes of Mon-

HeinOnline -- 1955 238 1955

tana, 1947, shall be, and the same is hereby amended to read as follows:

"Section 27-112 (2591). **Duties and Powers of State Board of Health** — *Regulations — Reference to Federal Standards — Administrative Personnel.*

Board of Health to enforce pure food and drug act.

"(1) The state board of health of the State of Montana is hereby charged with the duty of enforcing the 'pure food and drug act' of the State of Montana, as codified and found in and under title 27, 'food and drugs', chapter 1, 'pure food and drug act', sections 27-101 through 27-120, inclusive, Revised Codes of Montana, 1947, and as said act may be hereafter amended, revised and supplemented, and with the duty of enforcing all other codes, statutes and session laws, acts and parts of acts, wherein or whereby the state board of health is assigned, or in and by which there is delegated to it, any powers and functions, or by which it is charged with any duties, in the field of food and drug regulation within the State of Montana. The board shall make all necessary investigations and inspections in reference to all food and drugs, and for this purpose the state, county, and local health officers shall be food and drug inspectors for their respective districts; each local county health officer shall make regular inspections as the rules and regulations of the state board of health may direct, and such special inspections as said board of health may from time-to-time order made, and he shall make such reports relative to conditions existing within his district at such times and in such manner as the state board of health may direct.

Investigations and inspections; local inspectors.

Failure of local inspector to act.

"(2) Should any health officer fail, neglect, or refuse to make any such regular or special inspection, or fail to make any report in the manner and at the time designated by the state board of health, or should such officer make a false report of any condition that may exist within his district, the state board of health shall notify the mayor of the city or town, in the case of a local health officer, or the chairman of the board of county commissioners, in the case of a county health officer, of such negligence on the part of such health officer, and said state board of health may, in its discretion, order the removal from office of such delinquent health officer, and when such an order is issued by the state board of health, the mayor of the

Removal power.

HeinOnline -- 1955 239 1955

city or town, in the case of a local health officer, or the board of county commissioners, in the case of a county health officer, shall immediately declare the office of health officer vacant and shall appoint another competent and legally qualified physician and surgeon to fill the office.

Rules and regulations.

"The state board of health shall adopt all needful rules and regulations for the thorough and uniform enforcement of the provisions of this act throughout the state, and shall adopt and promulgate rules and regulations relative to the sanitary management of all places designated in section 27-111 of this code, and it shall adopt rules regulating the minimum standards for foods and drugs, defining specific adulterations and declaring proper methods of collecting and examining all drugs and articles of food, and the violation of any such rule or regulation shall be punished, on conviction, as set forth in section 27-115 of this code; provided, that such rules and regulations made and promulgated by the state board of health shall *be limited to and operative upon the foods, drugs and other articles and substances, and the persons, firms and corporations, within the purview of said codes, statutes and session laws of the State of Montana, and provided further, that such rules and regulations of the board shall, in the interests of uniformity, and to prevent diversity and confusion, at all times conform to the rules and regulations of, and promulgated under the federal food, drug and cosmetic act of June 25, 1938, (52 United States statutes at large, 1040 through 1059; title 21, United States code, section 301-392 as from time-to-time revised, amended and supplemented.) The board shall, in adopting and promulgating such rules and regulations for application in the State of Montana, clearly identify the specific standards, rules and regulations of or under said federal act which are hereby made applicable to the subjects and persons regulated under the Montana 'pure food and drug act', and the laws of Montana, and shall promulgate and publish the same in the full text of such standards and regulations, so identified, as its own rules and regulations; and the board shall freely disseminate the same for the information of the public, and of all persons concerned, but the board shall not adopt or promulgate any federal standards, rules or regulations with reference to subjects, foods, drugs, articles, or commodities or with reference to persons, firms and corpora-*

Limitations.

Conformity with federal law.

HeinOnline -- 1955 240 1955

tions which are excluded from, or not within the purview of the regulatory legislation of this state.

"(3) It shall be the duty of the state board of health, at the instance of any person, firm, or corporation, or on *its* own volition, to examine, analyze, and determine the purity, branding, and labeling of any food or drug placed upon the market or offered for sale in the State of Montana, and if found legal, *it* shall certify to the individual, firm, or corporation manufacturing, selling, or offering for sale such food or drug, that such food or drug is legal.

Examinations by board.

Certification.

"No prosecution shall follow until such time as the individual, firm or corporation has been notified by the state board of health wherein any food or drug fails to meet the requirements of the rules and regulations of the state board of health, and such *further* time to remedy the failure as the state board of health may *grant, has expired without compliance.*

Prosecutions, prerequisites.

"(4) All state, local, and county health officers are hereby authorized to enter any premises where any article of food or drug is sold, offered for sale, manufactured, cooked, stored, or treated in any way, for the purpose of inspecting such premises and the manner in which such food or drug is handled.

Power to enter and inspect.

"(5) For the purpose of administering and enforcing this act, the board shall employ and appoint such qualified professional, administrative and enforcement personnel, including a qualified chemist, the technical qualifications of which personnel the board shall determine, as may be permitted, from time-to-time, by appropriations of the legislative assembly for such purposes. All of the persons employed by the board as professional, administrative and enforcement personnel shall serve at all times under and in compliance with the orders and directives of the board. All chemical or other analyses required in the enforcement of the food and drug laws shall be made in the laboratory of the state board of health."

Power to employ personnel.

Section 3. That section 27-116, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Amending clause.

"Section 27-116. **Prosecutions by County Attorney — Authentication of Report of Analyst — Receipt in Evi-**

Prosecutions by county attorneys.

HeinOnline -- 1955 241 1955

dence — Presumptive Effect of Report. Whenever the state board of health shall furnish evidence to the county attorney of any county in this state, such county attorney shall prosecute any person, persons, firm, or corporation violating any provisions of this act, or any rules or regulation made by the state board of health in conformity with the provisions of this act. The report of the chemist, *other analyst, or other person, acting for the board must be identified by the signature of such person, and such signature must be certified to be such by the signature of the executive officer or secretary of the board, and under the seal of the board. Any such report so signed, certified and sealed,* stating that any drug or food examined is found to be impure or below the standard required by the provisions of this act, or the rules and regulations of the state board of health, shall be taken *and received* as presumptive evidence of the impurity of such drug or article of food."

Certification of analyst's report.

Report presumptive evidence.

Amending clause.

Section 4. Section 27-117, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Standards, rules and regulations to conform to federal law.

"Section 27-117 (2596). **Limit to** *Standards,* **Rules** *and Regulations* **Promulgated by the State Board of Health —** *What Foods or Drugs Deemed to be Adulterated, Misbranded or Otherwise Subject to the Provisions of This Act.* No *standards,* rules or regulations shall be promulgated by the state board of health under the provisions of this act, which do not conform *(a) to the provisions of the food and drug act of the State of Montana, and (b) to the standards, rules and regulations promulgated, or hereafter to be promulgated, pursuant to the authority of the federal food, drug and cosmetic act of June 25, 1938, (52 United States statutes at large, 1040 through 1059; title 21, United States code, sections 301-392 as from time-to-time revised, amended and supplemented) and as identified, adopted and promulgated by the board;* and no article of foods or drugs shall be deemed to be adulterated, misbranded, or otherwise subject to the provisions of this act, when such article of food or drugs conform to *such act or to the standards,* rules and regulations *promulgated under authority of the federal food, drug and cosmetic act of June 30, 1938, as from time-to-time revised, amended and supplemented."*

HeinOnline -- 1955 242 1955

Section 5. Section 27-114, Revised Codes of Montana, 1947, shall be, and the same hereby is, repealed. Repealing Section 27-114, R.C.M., 1947.

Section 6. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 2, 1955.

CHAPTER 120

An Act to Amend Section 1, Chapter 26, Session Laws of 1949, Providing for Preference of Veterans and Certain Disabled Civilians in Appointment and Employment in Every Public Department and Upon All Public Works of the State of Montana and of Any County and City Thereof; Providing for a Veteran's Credit in Examinations; Providing for the Enforcement of the Provisions of Said Act, Defining Terms Used in This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1, chapter 26, session laws of 1949, be, and the same is hereby amended to read as follows: Amending clause.

"77-501. *The purpose of this act is to provide for preference of veterans, their unremarried widows, and dependents, and certain disabled civilians in appointment and employment in every public department and upon all public works of the State of Montana and of any county and city thereof.* Purpose of act stated.

(1) *Definitions.* Terms defined.

(a) *The term "veterans" as herein used, means men and women who served in the armed forces of the United States, and who have been separated from such service upon conditions other than dishonorable, in time of war or declared national emergency as follows: the civil war; the Spanish American war; the Philippine insurrection; world war I, between April 6, 1917, and November 11, 1918, both dates inclusive; world war II, which term means such service between September 16, 1940, and September 2, 1945, both dates inclusive; the Korean war, military expedition, or police action, between June 26, 1950, and January 31, 1955 both dates inclusive.* "Veterans."

HeinOnline -- 1955 243 1955

"Widows." *(b) The term "widows" as herein used means unremarried widows of veterans.*

"Percentum." *(c) The word "percentum" means percentum of the total aggregate points of the examination hereinafter referred to.*

(2) Preference to appointment and employment.

Preference on public works established. *In every public department and upon all public works of the State of Montana and of any county or city thereof, the following shall be preferred for appointment and employment: veterans, their wives and widows, and the other dependents of disabled veterans; disabled civilians recommended by the state rehabilitation bureau;*

Proviso, limitation on disqualification. *Provided that age, loss of limb, or other physical impairment which does not in fact incapacitate, shall not be deemed to disqualify any disabled veteran or any such disabled civilian provided he or she possesses the business capacity, competency, and education to discharge the duties of the position involved;*

Certain disabled veterans given prior preference. *Provided further that those of the above described veterans who have disabilities admitted by the veterans administration of the United States to have been incurred in service in any of said wars or military expeditions or police action, where such disabilities do not in fact incapacitate, shall be given preference in employment over other veterans.*

(3) Credit for examinations.

Examinations, credit allowance. *When written or oral examinations are required for employment as above described, disabled veterans and their wives, their unremarried widows, and other dependents of disabled veterans, shall have added to their examination ratings a credit of ten percentum (10%), and all other veterans, their wives, unremarried widows, and dependents shall have added to their examination ratings a credit of five percentum (5%); provided that the fact that an applicant has claimed a veterans' credit shall not be made known to the examiners until ratings of all applicants have been recorded; after which such credits shall be added to the examination rating and the records shall show the examination rating and the veteran's credit; provided further that the benefits of this subsection are in addition*

HeinOnline -- 1955 244 1955

to and not in derogation of the preference in appointment and/or employment given by subsection (2) hereof.

(4) Eligibility.

Eligibility qualifications.

That none of the benefits of this act shall accrue to any person who refused to serve on active duty in the military service to which attached, or to take up arms in the defense of the United States; provided, however, that no persons, not a citizen of the United States, shall be employed by any state, city or county officer in any capacity if competent American labor is available; and provided, further, that no person who has not been a resident of Montana for at least one (1) year immediately preceding an appointment shall be entitled to such preference; provided, further, that for city or county employment, no preference will be granted unless applicant under this act is also a resident of the city or town or county in which employment is sought.

(5) Enforcement of preference.

Enforcement of preference procedure.

That any person entitled to preference in this section who has applied for any appointment or employment upon public works of the State of Montana or of any county and city thereof, or in any public department of said state and who has been denied said employment or appointment and feels that the spirit of this act has been violated and that he is in fact qualified physically, mentally and possesses business capacity, competency and education to discharge the duties of the position applied for, shall have the right to petition by verified petition the district court of the State of Montana in the county in which the work is to be performed, setting forth the facts of his application, qualifications, competency and his honorable discharge or other qualifications warranting him to preference under this act, and upon filing of such petition any judge in said court shall forthwith issue an order to show cause to the appointing authority directing said appointing authority to appear in said court at a specified time and place, not less than five (5) nor more than ten (10) days after the filing of said verified petition, to show cause, if any he has, why said veteran or person entitled to preference should not be employed by him and that said district court shall have jurisdiction upon the proper showings to issue its order directing and ordering said appointing

Verified petition.

Order to show cause.

HeinOnline -- 1955 245 1955

authority to comply with this law in giving the preference herein provided.''

Saving clause.

Section 2. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 121

An Act to Amend Chapter 3 of Title 78, Section 302, of the Revised Codes of Montana, 1947, Relating to the Power of the Commission to Expend Funds for Furniture, Dioramas, Displays, Works of Art and Workmanship for the Veterans'-Pioneers' Memorial Building; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 78-302 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Commission to control veterans' memorial fund.

''Section 78-302. **Commission to Control Veterans' Memorial Fund.** The veterans' memorial fund heretofore created shall be placed under the exclusive control and jurisdiction of said commission which is empowered to expend said fund and the accruals thereto for the construction, maintenance, *furniture, dioramas, displays, works of art and workmanship for the veterans' quarters of the veterans'-pioneers' memorial building* and the necessary expenses of the commission.''

Expenditure authorized.

HeinOnline -- 1955 246 1955

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 3, 1955.

CHAPTER 122

An Act to Amend Sections 84-2402 and 84-2404, Revised Codes of Montana, 1947, Relating to Licenses and Fees of the Store License Tax Act, and Repeal Section 84-2408.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 84-2402 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-2402. **Application and Fee for License.** Any person, firm, corporation, association, co-partnership or group desiring to open, establish, operate or maintain a store in the State of Montana *prior to September first of that calendar year* shall apply to the state board of equalization for a license to do so. The application shall be made upon a form which shall be prescribed and furnished by the state board of equalization, and shall set forth the name of the owner, manager, trustee, lessee, stockholders, receiver or other persons desiring said license; the name of such store; the location, including street number; and all such other facts as the state board of equalization may require. Store license—application. Contents.

"If the applicant desires to open, establish, operate or maintain more than one such store, he shall make a separate application for a license to operate, maintain, open or establish each such store, but the respective stores for which the applicant desires to secure licenses may all be listed upon one (1) application blank. Multiple stores.

"Each such application shall be accompanied by a filing fee of fifty cents (50¢) and by the license fee as prescribed in sections 84-2405, 84-2406 *and 84-2407.*" Fee.

Section 2. That section 84-2404 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-2404. **Expiration and Renewal of Licenses.** All licenses shall be so issued so as to expire upon the thirty- Expiration and renewal of licenses.

HeinOnline -- 1955 247 1955

first day of December of each calendar year. On or before the first day of January of each year, every firm, person, corporation, association, co-partnership having a license, shall apply to the state board of equalization for a renewal license for the calendar year next ensuing. All applications for a renewal shall be made upon forms which shall be prescribed and furnished by the state board of equalization.

Fee.

"Each such application for a renewal license shall be accompanied by a filing fee of fifty cents (50¢) and by the license fee as prescribed in sections 84-2405, 84-2406 *and 84-2407.*"

Date of lapse of license.

Penalty, fee doubled.

No license shall lapse prior to the first day of March next following the year for which the license was issued, and if, by such first day of March, an application for a renewal license has not been made, the fee charged shall be double the rate prescribed in sections 84-2405, 84-2406 and 84-2407.

Repealing Section 84-2408, R.C.M., 1947.

Section 3. That section 84-2408 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are expressly repealed.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 123

An Act to Amend Chapter 1, Title 53, Revised Codes of Montana, 1947, by Adding a New Section 53-106.1 to Provide for the Registration of Motor Vehicles Owned and Operated Solely as Collectors' Items; Providing the Fees to be Paid for Such Registration; and Providing for the Issuance of License Plates for Such Motor Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That chapter 1, title 53, Revised Codes of Montana, 1947, be, and it is hereby amended by adding thereto a new section 53-106.1 to read as follows:

HeinOnline -- 1955 248 1955

"53-106.1 **Registration of Motor Vehicles Owned and Operated Solely as Collectors' Items — Number Plates for Such Motor Vehicles.** Any owner of a motor vehicle manufactured more than thirty (30) years prior to the date of the application referred to hereunder, solely as a collectors' item and not for general transportation purposes may file with the registrar of motor vehicles an application for the registration of such motor vehicle stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, the gross weight thereof, the year and number of the model, and the manufacturer's identification number and serial number, and setting forth a specific statement that the vehicle is owned and operated solely as a collectors' item and not for general transportation purposes; and said application shall be sworn to before an officer authorized to administer oaths. The registration fee for all such motor vehicles weighing twenty-eight hundred and fifty (2850) pounds or less shall be five dollars ($5.00), and the registration fee for all such motor vehicles weighing more than twenty-eight hundred and fifty (2850) pounds shall be ten dollars ($10.00).

Procedure for registration of certain motor vehicles over 30 years old.

Fee.

Upon receipt of said application for registration and payment of the registration fee above provided for the registrar shall file said application and register the motor vehicle therein described in the manner specified in section 53-101, Revised Codes of Montana, 1947, and shall deliver to the applicant two (2) license plates bearing the inscription, "pioneer — Montana" and the registration number, but the year of issuance shall not be shown thereon. No annual renewal of the registration of any such motor vehicle shall be required, and the same shall be valid as long as the vehicle is in existence; provided, however, that upon any sale of such motor vehicle, the purchaser shall be required to renew the registration thereof and pay the license fees hereinbefore specified.

"Pioneer" plates.

No annual renewal required.

Proviso.

Approved March 3, 1955.

CHAPTER 124

An Act Permitting Banks as Defined by Sections 5-102, 5-104, 5-105, Trust Companies as Defined by Section 5-106, of the Revised Codes of Montana, 1947, and Na-

HeinOnline -- 1955 249 1955

tional Banks, or National Banking Associations, and Any Federal Reserve Bank, Doing Business in the State of Montana, to Remain Closed on Saturdays, at the Election of Any Said Banks, Trust Companies and National Banks, or National Banking Associations, and Any Federal Reserve Bank, and Providing That Any Saturday on Which a Bank Remains Closed, Shall be, With Respect to Such Banks, a Holiday and Not a Business Day; and That Any Act Authorized, Required or Permitted to be Performed at or by Any Bank on a Saturday, May be Performed on the Next Succeeding Business Day, Without Liability of Any Kind, or Loss of Rights of Any Kind Which Shall Result From Such Closings on Saturday; and Providing That Banks May Amend Their Bylaws to Provide for Saturday Closing Under This Act, and That Any and All Sections of the Codes of Montana, and Session Laws of Said State, and Any and All Acts in Conflict With the Right of Closing on Saturday, Shall be Repealed Hereby.

Be it enacted by the Legislative Assembly of the State of Montana:

Saturday closing of banks permitted.

Section 1. Any bank, which term for the purposes of this act shall mean any corporation as defined in section 5-102, Revised Codes of Montana, 1947, including commercial banks and trust companies, as more particularly defined in sections 5-104, 5-105 and 5-106, Revised Codes of Montana, 1947, and any national bank or national banking association incorporated or organized under the laws of the United States of America and any federal reserve bank may, at its election, remain closed and refrain from the transaction of any business on Saturdays, and any Saturday on which any such bank remains closed shall be, with respect to such bank, a holiday and not a business day. Any act, authorized, required or permitted to be performed at or by, or with respect to any bank as herein defined, including any national bank or national banking association, and any federal reserve bank, on a Saturday, may be performed on the next succeeding business day, and no liability or loss of any rights of any kind shall result from such closing on Saturday, or from the non-opening of any bank on any Saturday under the authority of this act, for the transaction of business.

Acts may be legally performed succeeding business day.

HeinOnline -- 1955 250 1955

By-laws may be amended to provide for legal closing.

Section 2. Any bank, as herein defined, and any national bank or national banking association, and any federal reserve bank, may, at any time enact or amend bylaws to provide for its banking hours or business days, or to change its banking hours or business days, including remaining closed, or closing, on any Saturdays, at any regular or special meeting of its board of directors. Any such bank enacting a bylaw or amending any bylaw with respect to such subject matter shall give reasonable notice to the public of the enactment of a new bylaw, or amendment of bylaws, by (a) posting an announcement in the lobby of the bank, incorporating the text of the bylaw, or of the amended bylaw, and advising of the date the same becomes effective, or (b) by mailing a copy of such notice to each of the bank's customers as of the date of the adoption of such bylaw or amendment; and in addition to posting or mailing, by publishing such notice not less than once in each week, for two (2) weeks, in any newspaper of general circulation in the county wherein such bank has its office, and, in any event, such notice, whether posted and published, or mailed and published, shall be given at least fourteen (14) days in advance of the effective date of the bylaw, or amended bylaw.

Notice required.

Interest paid as on Saturday.

Section 3. Where, by the terms of any note or obligation, interest is payable to a bank on any Saturday upon which a bank is closed pursuant to the authority of this act, interest payable to such bank on any such Saturday may be paid in the amount due on such Saturday on the next succeeding business day with the same effect as if paid to such bank on such Saturday.

Repealing clause.

Section 4. All provisions of the Revised Codes of Montana, 1947, as amended or supplemented, and all acts or parts of acts, and all session laws in conflict with the permissive authority extended by this act to enable banks to close or remain closed on Saturdays, shall be, and the same are hereby repealed.

Approved March 3, 1955.

CHAPTER 125

An Act to Amend Section 3 of Initiative No. 54, Adopted by the Vote of the Legal Electors of the State of Montana

HeinOnline -- 1955 251 1955

at the Regular General Election Held in the State of Montana on November 7, 1950, to Guarantee to All Widows, or Orphans, or Parents, as the Case May be, Whose Fathers, or Husbands, or Sons Died in the Line of Duty While in Military Service During World War II, Payment of an Amount of Not Less Than Five Hundred Dollars ($500.00) for Said Honorarium.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 3 of said initiative No. 54 be, and the same is hereby amended so as to read as follows:

Payment in case of death, succession established.

"Section 3. In case of the death, prior to payment under this law, of any such serviceman, the amount to which he or she was entitled shall be paid: (1) To his or her surviving spouse, providing such surviving spouse, if a widow, has not remarried prior to making application for such payment, or (2) if there is no surviving spouse, or if a widow, she is deceased or has remarried prior to making such application, then to the surviving children, or (3) if there is no surviving spouse, or if there was a widow and she has remarried or is deceased, and if there are no surviving children, then such payment shall be made to the parents of the deceased serviceman or to the survivor of such parents."

Proviso— $500.00 if settlement is less.

Provided, however, that the amount due the surviving spouse, children or parents, as the case may be, of any serviceman who died in the line of duty while in military service during world war II, or who shall have died prior to payment under this section from any cause attributable to his military service in the line of duty, as shown by the records of the armed forces of the United States, or the United States veterans' administration, shall be the amount to which such deceased serviceman would have been entitled had he received payment of said honorarium; or if such amount is less than five hundred dollars ($500.00), then such surviving spouse, children or parents, as the case may be, shall be paid the sum of five hundred dollars ($500.00) and no more.

Effective immediately.

Section 2. This law shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

HeinOnline -- 1955 252 1955

CHAPTER 126

An Act Providing Penalties for Abandoning or Discarding Refrigerators, Iceboxes or Ice Chests With Attached Doors or Lids in Places Accessible to Children; Providing Persons Knowingly Permitting Such Conditions to Exist to be Negligent in Addition to Penalties and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Penalty for abandoning or discarding ice boxes with latched doors attached.

Section 1. Any person, firm or corporation abandoning or discarding in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of one and one-half cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be deemed negligent as a matter of law and shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars ($50.00), or imprisoned not more than thirty (30) days, or both.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 127

An Act to Amend Chapter 223, Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Acquisition, Construction, Establishment, Maintenance and Financing of Off-street Parking Facilities for the Parking of Motor Vehicles by a City of the State of Montana, by Amending Section 1 Thereof, Relating to the Purposes of Said Act; by Amending Section 3 Thereof Relating to Creation of Parking Commissions by Providing How the Question of Authorizing the Parking Commission or City to Adopt the Revenue Bond Method of Financing Projects Shall be Submitted to the Electors for the Purposes of This Act; by Amending Section 9 Thereof Relating to Leases and Bids for Operation of Any Projects by Providing That the Commission May Lease to the City or the City

HeinOnline -- 1955 253 1955

May Operate Parking Projects Itself if it be Found and Determined by the Commission or City That Lease of Any Project Will Not Accomplish the Purposes of This Act and the Public Interest Will Not be Served.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1 of chapter 223, laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Purpose of act.

"Section 1. **Purpose of Act.** It is hereby determined and declared that excessive curb parking of motor vehicles in urban and metropolitan areas, and the lack of adequate off-street parking facilities in some cities, is against the public interest; and the purpose of this act is to provide means whereby cities, in which additional off-street parking facilities is considered necessary, may obtain *and provide* same."

Amending clause.

Section 2. That section 3 of chapter 223, laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Creation of parking commission authorized.

"Section 3. **Creation of Parking Commissions.** A city may create, as provided for in this section, a public body corporate and politic to be known as the 'parking commission' of the city. The commission of any city shall not transact any business or exercise any powers under this act unless and until the legislative body of the city shall by resolution declare at any time hereafter that there is need for a parking commission to function in such city. The determination as to whether there is need for a commission to function may be made by the legislative body on its own motion or upon the filing of a petition signed by one hundred (100) residents of the city, asserting that there is need for a commission to function in such city and requesting that the legislative body so declare.

Petition to be filed.

Need to be declared by legislative body of city.

"In any suit, action or proceeding by or against or in any manner relating to a parking commission, the commission shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the legislative body declaring the need for the commission to function. A city shall not transact any business or exercise

HeinOnline -- 1955 254 1955

any powers of this act unless and until the legislative body of the city shall by resolution declare that there is need for such city to exercise the powers of a parking commission as provided in this act.

"Either or both such resolutions may be adopted by the legislative body of a city. If both such resolutions are adopted they shall clearly specify areas within the city less than the whole thereof, within which, or projects over which, the commission and the city, respectively, are to have jurisdiction and control. The division of such jurisdiction and control shall be as so specified, but may be changed from time to time by action of both the legislative body and the commission, to such extent as may be consistent with obligations to bondholders assumed under this act.

Issuance of revenue bonds to be submitted to electors.

Qualifications of electors.

"The power to issue revenue bonds as provided in this act shall not be operative in any city until the legislative body, either at a general or a special election, shall submit to the electors, *whose qualifications shall be the same as those required for voting at municipal elections in the city for elective officers thereof,* the question as to whether the legislative body, or the commission, or both, shall be authorized to adopt the revenue bond method of financing projects provided for herein. *Such question may be placed before the electors and notice thereof given in the same manner as provided by law for referring ordinances of the city to the electors. The provisions relating to the qualifications of electors and manner of submission of the question to the electors for the purposes of this act shall govern and be controlling, any provision of law to the contrary notwithstanding.*"

Notice.

Amending clause.

Section 3. That section 9 of chapter 223, laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Commission may lease project to highest responsible bidder.

Publication of notice inviting bids.

"Section 9. **Lease — Bids.** The commission or city *may* lease any project acquired by it under the provisions of this act to the highest responsible bidder after notice, which shall consist of the publication of a notice inviting bids, by two or more insertions thereof, not less than five (5) days apart, in a newspaper of general circulation printed and published in such city, or city and county, which publication shall be commenced not less than fifteen

HeinOnline -- 1955 255 1955

(15) days prior to the date set in the notice for the opening of bids; or if there be no newspaper of general circulation printed or published therein, by posting copies of said notice inviting bids in at least three (3) public places in the city, or city and county, not less than fifteen (15) days prior to the date set in the notice for the opening of bids. Such notice shall distinctly and specifically describe the project and the facilities in connection therewith which are to be leased, the period of time for which said project is to be leased and the minimum rental to be paid under such lease; provided *if the commission or city shall by resolution entered upon its minutes find and determine that the purposes of this act will not be accomplished and the public interest will not be served by lease of any particular project for operation as a private parking project, the commission may lease such project to the city or the city may operate any such project itself as a municipal parking lot, subject to the ordinances, rules and regulations of the city pertaining to municipal parking lots.*"

Commission or city may operate project.

Approved March 3, 1955.

CHAPTER 128

An Act to Establish a Child Welfare Advisory Committee to be Appointed by the Governor of the State of Montana; Providing for the Duties of Such Committee; Its Composition, and Period of Existence; Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Child welfare study committee created.

Section 1. That within sixty (60) days following the adjournment of this legislative assembly the governor shall appoint a committee of ten (10) persons, which committee shall meet and organize itself within thirty (30) days following appointment; and which committee shall make a complete study of the laws of the State of Montana pertaining to the welfare of delinquent, dependent and neglected children, and prepare for introduction to, and consideration by the 1957 legislative assembly, a complete code of laws relating to the procedures and care of such children.

Composition of committee.

Section 2. Such committee shall be composed of one (1) judge, one (1) senator, one (1) representative, one 1)

HeinOnline -- 1955 256 1955

representative from the private child-placing agencies now licensed by the State of Montana, one (1) doctor, one (1) practicing attorney-at-law, one (1) representative of the Montana department of public welfare, and three (3) lay persons to be selected at large.

Designated "Child Welfare Advisory Committee."

Reimbursement.

Welfare department to use appropriate federal funds.

Section 3. The committee hereby established shall be designated as the child welfare advisory committee. The members thereof will be reimbursed actual and necessary expenses expended in attendance at meetings; and such reimbursement shall be made out of any federal moneys now available, or to become available, for such purposes, and paid out of any such funds by the Montana state department of public welfare. Such committee is hereby authorized to call upon any department of the State of Montana for information and assistance in carrying out its assigned duties.

Organization, term of existence, report.

Section 4. The committee shall designate one of its members as chairman, who shall be empowered to call meetings at such times and places within Montana as he deems necessary. The term of existence of such committee shall be until December 31, 1956. At or before the fifteenth day of December, 1956, the committee shall submit to the governor of the State of Montana its recommendations. The governor of the State of Montana shall recommend to the thirty-fifth legislative assembly appropriate action for amendment or recodification of the laws pertaining to the care and welfare of children.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 129

An Act to Provide for the Payment of the Cost of Care and Maintenance at the Montana State Hospital by Those Who Make a Voluntary Application for Admission to the Montana State Hospital and Fixing the Amount to be Charged Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 257 1955

Voluntary application to state hospital—procedure re: financial ability.

Section 1. At the time the judge makes his order directing that a person who has signed a voluntary application for admission to the Montana state hospital be admitted to said hospital he shall follow the same procedure relative to determining the financial ability of such person as set forth in section 38-214 and the clerk of the district court and the county board of public welfare shall also follow the same procedure as set forth in section 38-214.

Amount of charge for care and maintenance.

Section 2. The charge for the cost of care and maintenance of a person who is admitted to the Montana state hospital as a voluntary applicant shall not exceed the following amounts: Three dollars ($3.00) per day for the first ninety (90) days from and after the date of the first admission, and thereafter not to exceed the sum of two dollars ($2.00) per day.

Procedure if later committed.

Section 3. Should a voluntary applicant later be committed to the Montana state hospital by an order made by a district judge under the provisions of section 38-405 or section 38-406, he shall again make an order relative to the charges for the cost of care and maintenance in accordance with the aforementioned investigation and report and all the evidence submitted at the hearing on the voluntary application.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 130

An Act to Amend Sections 38-707 and 38-708 of the Revised Codes of Montana, 1947, Fixing the Amount to be Charged for the Cost of Care and Maintenance for Inebriates and Making the Cost a Proper Charge Against the County From Which the Patient is Committed in Certain Cases, and Establishing the Procedure Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 38-707 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 258 1955

"38-707. **Charges for Maintenance and Treatment of Patient.** *The cost for care and maintenance of all persons committed to the Montana state hospital for inebriates shall not exceed the following amounts: Three dollars ($3.00) per day for the first ninety (90) days from and after the date of the first admission, and thereafter not to exceed the sum of two dollars ($2.00) per day. Should the person admitted, or the persons legally liable for his support, be found to be financially unable to pay for the cost of care and maintenance the same shall be a proper charge against the county from which the patient is admitted."*

Charges for maintenance and treatment of patient.

Where unable to pay—charge against county of committance.

Section 2. That section 38-708 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 38-708. **Financial Condition of Patient — Liability of Relatives.** (1) Whenever an examination or hearing for committal to the state hospital for inebriates is had and the person *is* adjudged and ordered to be confined in the state hospital for inebriates, it shall be the duty of the judge, *the clerk of the district court and the county board of public welfare to determine the financial condition of the person admitted and the persons legally liable for his support, and to make an order relative to the payment of the charges for the cost of care and maintenance in accordance with the provisions of section 38-214."*

Financial condition of patient to be determined.

Liability of relatives or others for support.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 3, 1955.

CHAPTER 131

An Act to Amend Section 90-129 of the Revised Codes of Montana, 1947, as Amended by Chapter 158, Laws of Montana, 1953, Relating to Inspection of Weighing and Measuring Devices by Providing a Penalty for Violations of Its Provisions; Eliminating the Inspection Fees' Provision thereof, and to Amend Section 60-201 of the Revised Codes of Montana, 1947, Transferring the Licensing of Petroleum Products' Dealers to the State Sealer of

HeinOnline -- 1955 259 1955

Weights and Measures From the Public Service Commission of Montana, and to Amend Section 60-202 of the Revised Codes of Montana, 1947, Establishing License Fees Effective Subsequent to January 1, 1956, for Retail Dealers of Gasoline, Diesel and Fuel Oil With Additional Fees for Additional Pumps, for Vehicle Tank Meters and Bulk Petroleum Meters and for Vehicle Tanks Without Meters; and Fixing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 90-129 of the Revised Codes of Montana, 1947, as amended by chapter 158, laws of Montana, 1953, be, and the same is amended to read as follows:

Authority to inspect weighing and measuring devices.

"90-129. (4243) **Authority to Inspect Weighing and Measuring Devices and Penalty for Tampering With Seal.** The state sealer of weights and measures, or his deputies shall have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of any kind, instruments or mechanical devices for measurement, and the tools, appliances, or accessories connected with any and all of such instruments or measurements, used, kept for use, sold, offered for sale, or kept for sale, or employed within the state by a proprietor, agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by such persons for sale, hire, or award. Provided also, that the state sealer of weights and measures, or his deputies, shall at least once a year and as often as may be deemed necessary, try and prove all computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. Computing devices, which may be used by any person at any place within this state, shall be tested as to the correctness of both weight and arithmetical values indicated by them.

Authority over petroleum and petroleum products measures.

"The state sealer of weights and measures, or his deputies shall have in addition to the above-mentioned powers, the power to inspect and classify all meters, measuring, gauging or testing devices and apparatus used in connection with the wholesale and retail distribution of petroleum and petroleum products, and may prescribe suitable standards of accuracy for such meters and measuring devices, con-

HeinOnline -- 1955 260 1955

formable to the standards fixed by the United States bureau of standards for such devices."

It shall be unlawful to remove any state seal or rejection notice placed on the adjustment of any gasoline pump, meter, or petroleum measuring device and scale such as, but not limited to, retail pumps, wholesale meters, tank markers and measuring cans, except by repairmen certified by the state sealer of weights and measures. Any person found guilty of violating this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00).

Unlawful to remove state seal.

Penalty.

Section 2. That section 60-201 of the Revised Codes of Montana, 1947, be, and the same is amended to read as follows:

Amending clause.

"60-201. (3913.1) **Petroleum Products Dealer's License.** All persons, firms, copartnerships, corporations, trusts or agencies engaged, directly or indirectly, in the business of selling or offering or advertising for sale or in the business of refining or manufacturing or keeping for sale within the State of Montana any gasoline, kerosene, distillate, road oil, fuel oil, or any oil or gas or oil and gas product, lubricating oil and greases, for use in motor vehicles or in internal combustion engines, shall make application to the *state sealer of weights and measures* of Montana, upon such blank forms as may be provided by said *state sealer of weights and measures* for the right to do business in the State of Montana and the making of such application shall be a condition precedent to the right of any such person, firm, copartnership, corporation, trust or agency to transact any such business within the State of Montana and upon the making and filing of such application and the payment of the proper fee, a license shall issue to the applicant.

Petroleum products dealers' license, application to state sealer of weights and measures.

"Such persons, firms, copartnerships, corporations, trusts or agencies are hereinafter, for brevity, designated dealers, and the term 'dealers' whenever used herein, shall include all persons, firms, copartnerships, corporations, trusts or agencies described in this section."

"Dealers" defined.

Section 3. That section 60-202 of the Revised Codes of Montana, 1947, be, and the same is amended to read as follows:

Amending clause.

HeinOnline -- 1955 261 1955

License fees.

"60-202. (3913.2) **License Fees.** *That effective on and after the first day of January, 1956, each retail dealer shall pay a license fee of two dollars ($2.00) for each separate place of business which shall include one retail gasoline, diesel or fuel oil pump. Two dollars ($2.00) for each additional gasoline, diesel or fuel oil pump in excess of one used at such place of business.*"

Pumps.

Meters.

For vehicle tank meters and bulk petroleum meters of two and one-half (2½) inch and under, six dollars ($6.00). All two and one-half (2½) inch and under meters for more than one fluid, ten dollars ($10.00). Bulk petroleum meters over two and one-half (2½) inch, ten dollars ($10.00). All meters over two and one-half (2½) inch for more than one fluid, fifteen dollars ($15.00).

Tanks without meters.

All vehicle tanks used for distribution of petroleum products without meters up to and including two hundred (200) gallons, eight dollars ($8.00). All vehicle tanks without meters over two hundred (200) gallons and including three hundred (300) gallons, ten dollars ($10.00). All vehicle tanks without meters over three hundred (300) gallons and including five hundred (500) gallons, twelve dollars ($12.00). All vehicle tanks without meters over five hundred (500) gallons and including one thousand (1000) gallons, sixteen dollars ($16.00). All vehicle tanks without meters over one thousand (1000) gallons and including two thousand (2000) gallons, twenty dollars ($20.00).

License expiration.

All licenses shall be annual and expire December thirty-first.

Penalty for nonpayment of fee, unauthorized operation.

All license fees, under this act, that are not paid before July first of each year, where measuring device is in use, there will be an added charge of twenty-five per cent (25%) and if the fee is not paid the equipment will be sealed and removed from service until such fee has been paid. Anyone found using a device or removing the seal before all license fees have been paid shall, upon conviction, be deemed guilty of a misdemeanor and subject to a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00).

HeinOnline -- 1955 262 1955

Section 4. All acts or parts of acts in conflict herewith are hereby repealed except that the present schedule of license fees shall remain in effect until January 1, 1956.

Repealing clause—extension of present fees till Jan. 1, 1956.

Approved March 3, 1955.

CHAPTER 132

An Act to Amend Section 26-321 of the Revised Codes of Montana, 1947, Relating to the Open and Closed Season for Furbearing Animals; to Provide for the Tagging of Traps, Tagging of Marten Pelts and Importing Marten Pelts From Another State; and Providing Penalties for Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 26-321 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"26-321. **Closed and Open Season for Furbearing Animals.** It shall hereafter be unlawful and a misdemeanor for any person to shoot, trap, kill, or capture, or cause to be shot, trapped, killed, or captured, or attempt to shoot, trap, kill, or capture any marten or sable, otter, fox, mink, muskrat, *beaver,* or fisher until such time as the commission shall provide an open season on any marten or sable, otter, fox, mink, muskrat, *beaver,* or fisher; provided, however, that when it is shown that muskrats *or beaver* are doing severe injury upon, or are a menace to the structures, canal banks or other works of an irrigation project or district, *or stock water pond,* any *employee or* resident land owner on such project or district may kill or trap or cause to be killed or trapped any muskrat *or beaver* upon or in menacing proximity to the structures, canal banks or other works of such project or district *or stock water pond* during the closed season on muskrats *or beaver,* after having secured from the state fish and game *director* a permit so to do, except that from June first to August thirty-first, both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time except as hereinafter provided.

Closed and open season for fur bearing animals.

Adding "beaver."

Proviso—where damage being done.

HeinOnline -- 1955 263 1955

Procedure for legal trapping.

"Any person trapping marten during the open season thereon shall present all skins or pelts of marten so taken to the game warden residing in the district where the pelts were taken, and shall furnish an affidavit, giving his name, residence, license number, the date and place of capture, and the number of marten so taken, and if the warden is satisfied of the legal taking of the same, he shall attach a numbered metal tag to each skin covered by the affidavit; no charge shall be made for tags and the pelts so tagged may be bought, sold or transported at any time within the State of Montana, but no marten skin shall be exported in any manner from the state without the shipper first obtaining a shipping permit from the state fish and game *director, or game* warden, the application for which shall show the number *on* the metal tags attached to said marten skins.

Procedure, import marten skins.

"Any person who shall receive or bring into from without the state any marten skin or skins with a numbered metal tag of another state or untagged marten skins coming from without the state where the state in which the marten skins were caught does not require that metal tags be attached before shipment, shall report their arrival within ten (10) days to the state fish and game *director* and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the state, and the numbers designated from the tags, and the name of the state so tagging the same, and it shall not be necessary for such skins to be retagged with a Montana tag nor any other fees paid therefor.

Penalty, removal of tag, other violations.

"It shall be a misdemeanor, punishable as hereinafter provided, for any person to remove any tag from such skins or to buy, sell or transport untagged marten skins, except as provided in this act, or fail to have tags attached to marten skins as herein provided within twenty (20) days of the expiration date of the open season thereon.

Penalty— destruction of muskrat or beaver house.

"It shall be unlawful and punishable, as in this act hereinafter provided, for any person at any time to wilfully destroy, open or leave open, or partially destroy a house of any muskrat or beaver *except that this shall not prohibit trapping in the house of muskrats when the commission shall authorize such trapping.*

Proviso.

HeinOnline -- 1955 264 1955

Any person trapping furbearing animals or predatory animals for their pelts shall fasten a metal tag to all such traps bearing in legible English the name and address of the trapper, except that no tag shall be required on traps used by landowners trapping with permit on their own land, and irrigation ditch right-of-way contiguous to the land.

Traps to be tagged.

Exception for land owners.

"Any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law."

Penalty—misdemeanor.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 3, 1955.

CHAPTER 133

An Act to Amend Sections 80-904 and 80-918 of the Revised Codes of Montana, 1947, by Providing for a Five (5) Member Executive Board for the State Vocational School for Girls; by Providing That Two of Such Board Members Reside in the County in Which the Institution is Located; by Providing That Only Girls Between the Ages of Ten (10) and Eighteen (18) be Committed to Said Institution; and by Repealing Section 80-905 of the Revised Codes of Montana, 1947, Relating to the Oath and Bond of Members of Said Executive Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 80-904 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"80-904. (12522) **Executive Board.** There shall be an executive board, consisting of *five (5)* members, to have a general supervision or control of said institution, two of whom shall be women, *and at least two of whom shall reside in the county where such institution is located,* and all of whom shall be citizens of the state, appointed by the governor, by and with the consent of the state board of

Composition of executive board.

HeinOnline -- 1955 265 1955

education, and the principal of said institution shall be an ex officio member of said board, without a vote."

Amending clause.

Section 2. That section 80-918 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Commitment of girls to vocational school—changing minimum age.

"80-918. (12535) **Commitment of Girls to Vocational School.** When any girl between the ages of *ten (10)* and eighteen (18) years shall, in any court of record or by any judge of the district court of this state, be found guilty of any crime except murder or manslaughter, or if for want of proper parental care is growing up as a mendicant, vagrant, or delinquent, and complaint thereof is properly made and sustained by the evidence, the court or judge may, if in his opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered for such girl to be sent to the state vocational school for girls, in pursuance of the provisions of this act. A copy of such order under the seal of said court, accompanied by a certificate of health, shall be sufficient warrant for carrying such girl to said school, and for her commitment to the custody of the principal thereof; provided, however, that nothing in this section shall be construed to repeal section 12288 of this code."

Repealing Section 80-905, R.C.M., 1947.

Section 3. That section 80-905 (12523) of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Approved March 3, 1955.

CHAPTER 134

An Act to Amend Section 16-1406, Revised Codes of Montana, 1947, Relating to the Appropriation and Tax Levy for County Fairs.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-1406 (4549) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County appropriation for county fairs authorized.

"16-1406. (4549) **Appropriation and Tax Levy for County Fairs.** The board of county commissioners of their respective counties may appropriate annually out of

HeinOnline -- 1955 266 1955

the general fund of the county treasury to the county fair commission a sum not to exceed two thousand five hundred dollars ($2,500.00), to be expended by the county fair commission for the purpose of holding a county fair and/or junior fair, for advertising the products and resources of their county. In addition to the appropriation above provided for, or in lieu thereof, the county commissioners of any county in Montana shall have the power to levy an ad valorem tax of one and one-half (1½) mills or less on each dollar of taxable property in such county, for the purpose of securing, equipping, maintaining *and operating* a county fair and/or a junior fair, including the purchase of land for such purposes, and the erection of such buildings and other appurtenances as may be necessary; provided, however, that no portion of said appropriation or tax levy shall be expended for horse racing."

Tax levy provided.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 3, 1955.

CHAPTER 135

An Act to Provide for the Taxation of the Net Proceeds of Mines or Wells Producing Natural Gas, Petroleum or Other Crude or Mineral Oil, and Repealing Section 84-5404, Revised Codes of Montana, 1947, and All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** The term "person," as used in this act, shall mean and include any individual, firm, copartnership, and every corporation, joint-stock company, syndicate and association.

Terms defined: "Person."

The terms "operator" and "producer" shall mean any person as defined above who engages in the business of mining, or drilling for, or extracting, or producing any natural gas, petroleum, or other crude or mineral oil.

"Operator" and "producer."

Section 2. **Statement of Yield.** Every person engaged in mining upon any mine whatsoever containing natural gas, petroleum, or other crude or mineral oil must on or before the thirty-first day of March in each year make out and deliver to the state board of equalization a state-

Duty to submit annual statement of gross yield.

HeinOnline -- 1955 267 1955

ment of the gross yield of such natural gas, petroleum, or other crude or mineral oil from each mine owned or worked by such person during the next preceding calendar year, and the value thereof. Such statement shall be in the form prescribed by the state board of equalization and must be verified by the oath of such person or the manager, superintendent, agent, president or vice-president of such corporation, association or partnership. Such statement shall show the following:

Form.

Contents of statement.

1. The name and address of the operator of the mine, together with a list in duplicate of the names and addresses of any and all persons owning or claiming any royalty interest in the mineral product of such mine or the proceeds derived from the sale thereof, and the amount or amounts paid or yielded as royalty to each of such persons during the period covered by the statement.

2. The description and location of the mine.

3. The number of cubic feet of natural gas, barrels of petroleum, or other crude or mineral oil extracted or produced from the mine during the period covered by the statement.

4. The gross yield or value in dollars and cents.

5. Actual cost of extracting same from mine.

6. Cost of construction, repairs and betterments of mines.

7. Actual cost of fire insurance and workmen's compensation insurance.

Net proceeds, how computed.

Section 3. **Net Proceeds — How Computed.** The state board of equalization shall calculate and compute from said returns the gross product yielded from such mine, and its gross value in dollars and cents for the year covered by the statement, and also shall calculate and compute the net proceeds in dollars and cents of said mine yielded to such person so engaged in mining, which said net proceeds shall be ascertained and determined by subtracting from the value in dollars and cents of the gross products thereof the following, to wit:

1. All royalty paid or apportioned in cash or in kind by the person so engaged in mining.

HeinOnline -- 1955 268 1955

2. All moneys expended for necessary labor, machinery and supplies needed and used in the mining operations and developments.

3. All moneys expended for improvements, repairs and betterments necessary in and about the working of the mine.

4. All moneys expended for fire insurance and workmen's compensation insurance, and for payments by operators to welfare and retirement funds when provided for in wage contracts between operators and employees.

No moneys invested in the mines and improvements during any year, except the year for which such statement is made, shall be included in such expenditures, except as provided in section 4 of this act; and such expenditures shall not include the salaries, or any portion thereof, of any person or officer not actually engaged in the working of the mine or superintending the management thereof.

Deduction for drilling costs, capital expenditures.

Section 4. **Deduction of Drilling Costs and Capital Expenditures.** The state board of equalization in computing the deductions allowable for cost of drilling wells completed during the period and for other capital expenditures shall allow ten per cent (10%) of such cost each year for a period of ten (10) years, provided, however, the operator or producer may elect to amortize the cost over a period of two (2) years if the well is less than three thousand (3,000) feet deep.

Accelerated amortization, when allowed.

The board shall also compute and allow deductions for any capital expenditures made during the year 1953, where the same have not been previously allowed in computing such net proceeds under the laws of the State of Montana.

Royalties assessed to recipient.

Section 5. **Assessment of Royalties.** The amount of royalty received shall be considered net proceeds to the recipient and shall be assessed as follows: Upon receipt of the lists or schedules setting forth the names and addresses of any and all persons owning or claiming royalty, and the amount or amounts paid or yielded as royalty to such royalty owners or claimants during the year for which such return is made, the state board of equalization shall proceed to the assessment of all such royalties, and shall assess the same at the full cash value of the money or product yielded or accrued during such preceding calendar year, and the same shall be taxed as net proceeds of mines.

HeinOnline -- 1955 269 1955

False or fraudulent report— board of equalization to compute gross value.

Section 6. **False or Fraudulent Reports — Procedure in Case of.** If any such report required by this act contains any wilfully false or fraudulent statement as to the gross amount received by any person so engaged in mining as aforesaid, for any mine's product, then the said state board of equalization shall compute the gross value of such mine's product, and such gross value shall be based upon the market value at the point of production. Should there be no quotation covering any particular product, then the state board of equalization shall fix the value of such gross product in such manner as may seem to be equitable.

Net proceeds transmitted to county assessor.

Section 7. **Transmission of Net Proceeds to County Assessor.** On or before the first day of July in each year the state board of equalization shall transmit to the county assessor of each county in which such mines are situated, the valuation of the net proceeds of such mines for the purpose of taxation, as the same have been determined and fixed by the state board of equalization, and the lists of royalties assessed under the provisions of section 5 of this act. The county assessor shall enter the same upon an assessment roll called "assessment roll of net proceeds of mines," the form of which shall be prescribed by the state board of equalization in conformity with the provisions of this act. The royalty assessments shall be entered by the county assessor under the name of the operator, and such assessments of royalty when entered shall have all the force and effect as if made in the names of the owners of such royalty individually as well as against the operator.

County assessors to compute taxes.

Section 8. **County Assessors to Compute Taxes.** Immediately after the county board of equalization has fixed tax levies on the second Monday in August, the county assessor shall compute the taxes on such net proceeds and royalty assessments, and shall deliver the book to the county treasurer on or before the fifteenth day of September. The county treasurer shall proceed to give full notice thereof to such operator and to collect the same in manner provided by law.

Operator liable for taxes, may withhold amount paid thereon from royalty interest.

The operator shall be liable for the payment of said taxes, and the taxes on royalties shall be payable by and shall be collected from such operators in the same manner and under the same penalties as provided for the collection of taxes upon net proceeds of mines; provided, however, that after payment of such tax on royalties such operator

HeinOnline -- 1955 270 1955

may recover or withhold from any proceeds of royalty interest, either in kind or in money, coming into his hands, the amount of any tax paid by him upon such royalty or royalty interest.

Failure or refusal to make statement— board may estimate.

Section 9. **Penalty for Failure to Make Statement — Estimate of Net Proceeds.** If any person shall refuse or neglect to make and deliver, under oath, to the state board of equalization any statement required by this act, or to comply with any requirements of this act, the state board of equalization must cause such refusal to be noted upon the assessment roll opposite the name of such person, and must make an estimate of the cubic feet of natural gas, barrels of petroleum or other crude or mineral oil mined and treated or sold by such person, and upon such estimate shall fix and determine the value of the net proceeds of said mine as hereinbefore set forth. In making an estimate of the value of the net proceeds under this section, the state board of equalization shall have the power to subpoena and examine under oath, any person, members of a partnership or association, officers or agents of a corporation, and the employees of such person, partnership, association or corporation, and every person who refuses or neglects to appear and testify, when required so to do by the state board of equalization as herein provided, for each and every refusal shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Penalty— misdemeanor.

Penalty, false statement treated as perjury.

Section 10. **Penalty for False Statement.** If any person required by this act to make or file any statement, or verify, under oath, any statement, shall make such statement false in any material respect, or shall verify, under oath, any statement false in any material respect, such person shall be deemed guilty of perjury, and upon conviction thereof shall be punished as is by law provided for the punishment of perjury.

Cessation of business, payment of tax due.

Section 11. **Statement Required on Dissolution Corporation During Tax-paying Year.** Every person who shall cease to do business in this state during any tax-paying year shall make all statements, reports and returns required by this act, and pay the tax due for such period as it

HeinOnline -- 1955 271 1955

transacted business, on or before the date of such cessation of business. The state board of equalization may grant a reasonable extension of time for filing a return upon good cause shown therefor.

Extension of time for filing.

Board may examine books, records.

Section 12. **Examination of Records by Board of Equalization.** The state board of equalization shall have the right and power, at any time, to examine all books, records, papers and documents of such person pertaining to such business, in order to verify the statements made by such person, and if, from such examination, or from other information, said state board of equalization finds any statement, or any material part thereof, wilfully false or fraudulent, said state board of equalization must assess in the same manner as provided for in section 3 of this act.

Lien of tax.

Section 13. **Lien of Tax — Enforcement of Payment.** The taxes on such net proceeds must be levied as the levy of other taxes is provided for, and every such tax is a lien upon the mine from which the natural gas, petroleum, or crude or mineral oil is mined or extracted, and is a prior lien upon all personal property and improvements used in the process of extracting such natural gas, petroleum, or crude or mineral oil; provided, however, that such personal or real property is owned by or under lease by the person who extracted said natural gas, petroleum, or other crude or mineral oil.

Enforcement of payment.

The tax on such net proceeds may be collected, and the payment thereof enforced, by the seizure and sale of the personal property upon which the said tax is a lien, in the same manner as other personal property is seized and sold for delinquent taxes, or by the sale of the mine and improvements, as provided for the sale of real property for delinquent taxes, or by the institution of a civil action for its collection in any court of competent jurisdiction; provided, however, that a resort to any one of the methods of enforcing collection, as herein provided for, shall not bar the right to resort to either or both of the other methods, but that any two or all of the methods herein provided for may be used until the full amount of such tax is collected.

Sale or civil action.

Surface and improvements not exempt.

Section 14. **Surface Ground and Improvements Not Exempt.** Nothing in this act must be construed so as to exempt from taxation the surface ground, improvements,

HeinOnline -- 1955 272 1955

buildings, erections, structures, or machinery placed upon any mine or supplies used in connection therewith.

Section 15. This act is hereby declared to be retroactive from and after January 1, 1954. Retroactive to Jan. 1, 1954.

Section 16. Section 84-5404, Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed. Repealing Section 84-5404, R.C.M., 1947.

Section 17. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 3, 1955.

CHAPTER 136

An Act to Amend Section 14-106 of the Revised Codes of Montana, 1947, Relating to Supervision of Credit Unions by the State Examiner, for the Purpose of Providing a Fee for Examinations at the Rate of Thirty Dollars ($30.00) a Day Plus Expenses for Each Person Making the Examination, and Providing for a Repealing Clause and an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 14-106 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"14-106. (6109.17) **Supervision of Credit Unions by State Examiner — Fee for Examinations.** Credit unions shall be under the supervision of the state examiner of the State of Montana. They shall report to him at least semi-annually on or before June thirtieth (30th) and December thirty-first (31st) of each year. The state examiner shall examine all credit unions doing business in this state at least once a year. Also whenever ten per centum (10%) of the subscribed stock of any credit union files a written application with said state examiner requesting him to make *a special* examination of said credit union he shall forthwith examine the same, and the findings of the examiner to be available to the petitioners and the board of directors of the credit union notwithstanding any other provisions of law. State examiner to supervise credit unions.

HeinOnline -- 1955 273 1955

Fee for examinations.

"For each examination of a credit union by the state examiner, the association examined shall pay to the state treasurer a fee at the rate of thirty dollars ($30.00) a day for each person engaged in the examination plus the necessary transportation expenses and per diem at the rate currently in effect for all state and county employees."

Repealing clause.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 137

An Act to Amend Section 5-910 of the Revised Codes of Montana, 1947, as Amended by Chapter 58 of the Thirty-third Legislative Assembly, Relating to the Special Examinations and the Fees for Same for the Purpose of Specifically Including Credit Unions Within the Scope of Said Section, Providing for a Repealing Clause and an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 5-910 of the Revised Codes of Montana, 1947, as amended by chapter 58 of the thirty-third legislative assembly, be, and the same is hereby amended to read as follows:

Special examinations and fees therefor—adding credit unions.

"5-910. (6014.84) **Special Examinations and Fees.** Special examinations may be made of any county, city, town, school district, irrigation district, high school, bank, building and loan association, *credit union* or any other office, board or commission, whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public money of any character or description, when in the judgment of the state examiner it shall be deemed necessary, and such special examinations shall be charged for at the rate of thirty dollars ($30.00) a day for each person engaged in the examination plus the necessary transportation expenses and per diem at the rate currently in effect

HeinOnline -- 1955 274 1955

for all state and county employees. All special examination fees or charges so collected by the state examiner and ex officio superintendent of banks and paid to the state treasurer, shall be placed in a special fund to be known as the special examination fund to be drawn upon by the state examiner and ex officio superintendent of banks to defray the actual costs and expenses of such special examinations, but all moneys remaining in such special fund at the end of each current year shall be transferred by the state treasurer to the general fund.

"In any case where the current examination shall not have been made prior to the first day of July of any year, the above fees must be paid as herein specified, provided, however, that all examinations shall cover the entire period from the date of the last examination."

Repealing clause.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 138

An Act Permitting Actions on Express Contracts Against the State of Montana and Describing the Practice and Procedure Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Allowing action vs. state on express contracts.

Section 1. The district courts of the State of Montana shall have exclusive original jurisdiction to hear, determine, and render judgment on any claim or dispute arising out of any express contract entered into with the State of Montana or any agency, board or officer thereof.

Must exhaust contract settlement procedure.

Section 2. Whenever any contracting agency of the State of Montana provides a procedure for the settlement of any question or dispute arising between the contractor and said agency, the contractor, before proceeding to bring an action in court under the provisions of this act, must resort to such procedure within the time specified in his contract or, if no time is specified, within ninety (90) days

HeinOnline -- 1955 275 1955

after the question or dispute has arisen; provided, however, that in the case where a settlement procedure is provided by said contracting agency, all actions authorized hereunder must be commenced within one (1) year after a final decision has been rendered pursuant to such settlement procedure, and, provided further, that in the case where no settlement procedure is provided by said contracting agency, the action must be commenced by the contractor within one (1) year after the cause of action has arisen.

Limitation on action.

Restricting conditions void.

Section 3. Every stipulation or condition in a contract by which any party thereto is restricted from enforcing his rights under the provisions of this act is void.

Contract liability provided for—limitations.

Section 4. The State of Montana shall be liable in respect to any contract entered into in the same manner and to the same extent as a private individual under like circumstances, except the State of Montana shall not be liable for interest prior to or after judgment, nor for punitive damages. Costs shall be allowed in all courts to the successful claimant, to the same extent as if the State of Montana were a private litigant, except that such costs shall not include attorney's fees.

Regular processes adopted.

Section 5. In actions under the provisions of this act, the forms of process, writs, pleadings and motions, and the practice and procedure, together with the right of appeal to the supreme court of the State of Montana, shall be the same as if the State of Montana were a private person, and provisions for counterclaim and set off, shall be the same as if the State of Montana were a private person.

Attorney general—service agent, duties.

Section 6. The attorney general of the State of Montana is hereby designated as the person upon whom all process shall be served, and he shall have full charge of such litigation on behalf of the State of Montana, and by and with the consent of the board of examiners of the State of Montana, he is authorized to arbitrate, compromise or settle any claim cognizable under this act, after the institution of any suit thereon, and further, with the approval of the court in which said suit is pending.

Judgment—how it may be paid.

Section 7. A final judgment shall be the obligation of the State of Montana, and shall be paid out of funds appro-

HeinOnline -- 1955 276 1955

priated by the legislative assembly of the State of Montana next succeeding the date of judgment.

Approved March 3, 1955.

CHAPTER 139

An Act to Make it Unlawful for the Operation of Boats on the Waters Within the State of Montana Without Suitable Life Saving or Life Preserving Equipment Carried Therein and Providing for a Penalty for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Provisions for Life Saving Equipment.**

Life saving equipment required.

(1) It shall be unlawful for any person, firm, corporation, or other entity, owning, renting, leasing or using any boat, either privately or for hire, to operate said boat upon the streams, lakes, reservoirs or waters within the State of Montana, without such life saving or preserving equipment as hereinafter defined. There shall be adequate life jackets, or preservers capable of keeping afloat such persons in or upon the above mentioned boat while it is in operation upon the waters of this state.

Defining life jacket, life preserver.

(2) A life jacket shall be an article worn upon the person, of sufficient buoyancy and designed for the purpose of keeping such person afloat in water. A life preserver shall be any other article, not necessarily worn upon the person, carried readily detachable from said boat and of sufficient buoyancy and capable of keeping said person afloat in water.

Not to conflict with federal laws or regulations.

Section 2. The provisions of this act are in no way intended to interfere with federal laws or regulations pertaining to the navigable streams within the State of Montana or within the national parks or forest reserves within the State of Montana.

Violation—misdemeanor.

Section 3. A violation of this act shall be deemed a misdemeanor and it shall be punishable by a fine not to exceed ten dollars ($10.00). This act shall be enforceable by all peace officers of the State of Montana.

Approved March 3, 1955.

HeinOnline -- 1955 277 1955

CHAPTER 140

An Act to Amend Section 75-1904, Revised Codes of Montana, 1947, Relating to Checking Census Reports, Number of Handicapped to be Ascertained, to Provide for Keeping Alphabetical Card Index of Census in County Superintendent's Office Only and to Provide for Census of All Handicapped Children; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-1904, of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County superintendent to check, correct census reports.

"Section 75-1904. **Checking Census Reports** — *Maintaining Files — Census of Handicapped.* It shall be the duty of the county superintendent of schools upon receipt of the report as provided in section 75-1903 to carefully examine the same and check it for errors or duplications with other census reports filed by other clerks of school districts of his county. For the purpose of assisting him in checking duplication in such reports, he shall make an alphabetical card index, classified by families, showing the names of all children on the school census, which index shall be *kept current according to the census reports turned in to him each year.* If the name of the same person be found upon more than one report or if the report contains names which are fictitious or names which properly belong in some other school district, he shall strike out such fictitious names and all duplicate names from all lists except that of the district in which such person was residing in good faith on the first day of October. If the county superintendent should find upon any census list the names of any persons who he believes were not residents in good faith in such district as aforesaid or which he believes are fictitious, he shall notify the clerk of the particular school district and if said clerk shall not establish the correctness of the list within fifteen (15) days after such notification, such names shall be stricken from the list. At the time of taking the annual census the clerk shall use reasonable diligence to ascertain the *names of all handicapped children in the district and such information concerning the same*

Current index to be kept.

Handicapped children to be ascertained.

HeinOnline -- 1955 278 1955

as is required by the state superintendent of public instruction.''

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after the first day of July, 1955. Effective July 1, 1955.

Approved March 3, 1955.

CHAPTER 141

An Act to Amend Section 75-1523, Revised Codes of Montana, 1947, Relating to Census to be Transmitted to Bureau of Labor and Industry and Superintendent of Public Instruction; to Provide That Copies of Census Materials Need Not be Sent to Bureau of Labor and Industry; to Provide That Index Cards on School Census Need Not be Sent to Superintendent of Public Instruction and to Provide for Sending to the State Superintendent of Public Instruction Such Census Reports as the Latter may Require.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 75-1523, of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

''Section 75-1523. **Census** *Reports* **to be Transmitted to Superintendent of Public Instruction** — *Penalty.* It shall be the duty of the county superintendent of schools to transmit within thirty (30) days after he receives the school census from the district clerk, the duplicate copy of the census furnished by the clerk showing the name, sex, age, and the date of birth of each child under twenty-one (21) years of age residing in the county, together with the names of the parents or guardians of such children to the *superintendent of public instruction, together with such other census reports as the latter may require.* No county superintendent shall be paid his salary for the last two months of his official year until he presents to the county commissioners receipts from the superintendent of public instruction for such annual census reports.'' Census report to be transmitted to state superintendent. Also other reports as required.

Approved March 3, 1955.

HeinOnline -- 1955 279 1955

CHAPTER 142

An Act to Create a State Water Pollution Council, to Control, Prevent and Abate Pollution of the Surface and Underground Waters of the State of Montana, and Repealing Chapter 184 of the Thirty-first Legislative Assembly, and Repealing All Acts or Parts of Acts in Conflict Herewith and for Other Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act shall be known as the water pollution act of the State of Montana.

Policy declared.

Section 2. (a) **Statement of Policy.** Whereas a comprehensive program of water resource development for municipal and industrial water supply, irrigation, fish and wildlife conservation, and recreation is now in progress in this state, and, whereas pollution of the waters of this state may constitute a menace to public health and welfare, and may adversely affect livestock, wildlife, fish and aquatic life, and may progressively obstruct agricultural, industrial, recreational and other legitimate uses of water, and whereas the problem of water pollution in this state is closely related to the problem of water pollution in adjoining states, it is hereby declared to be the public policy of this state to conserve the waters of the state and to protect, maintain, and improve the quality and potability thereof for public water supplies, for the propagation of wildlife, fish and aquatic life, and for agricultural, industrial, recreational and other legitimate beneficial uses, to provide a comprehensive program in the public interest for the prevention, abatement and control of new or existing water pollution, to provide effective means for the carrying out and enforcement of such program, and to provide for cooperation with agencies of other states and the federal government in carrying out these objectives.

(b) It is not the intention of this act that wastes shall be treated to a purer condition than the natural condition of the receiving stream, provided that any municipal or industrial pollution upstream be not considered as natural.

To control pollution as defined herein.

(c) It is hereby declared to be the intention of this act to effectuate the control of pollution as herein defined only.

HeinOnline -- 1955 280 1955

Section 3. **Definitions.** For the purpose of this act, the following words and phrases shall have the meanings ascribed to them in this section: (a) "Sewage" means the water-carried waste products from the residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present. The provisions of this act shall not apply to the excrementitious discharges of domestic and farm animals providing human health is not involved.

Terms defined.

"Sewage."

(b) "Industrial waste" means any liquid, gaseous or solid waste substances resulting from any process of industry, manufacturing, trade or business or from the development of any natural resources, together with such sewage as may be present, which may pollute the waters of the state.

"Industrial waste."

(c) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, tar, chemicals and all other substances which may pollute the waters of the state.

"Other wastes."

(d) "Contamination" means an impairment of the qualities of the waters of the state by sewage or industrial wastes to a degree which creates a hazard to human health.

"Contamination."

(e) "Pollution" as used in this act shall mean the alteration of the physical, chemical or biological properties of any waters of the state which renders said waters harmful or detrimental for their most beneficial uses, and over which the authority of the state board of health as vested by title 69, chapter 13 of the Revised Codes of Montana, 1947, as herein amended, does not extend, except that no waters *not now being used for human consumption as a single public supply system serving more than one hundred (100) persons* shall be classified other than for industrial waste use where the same have been primarily and continuously devoted to industrial waste use except for seasonal variations for a period of over thirty (30) years.

"Pollution."

Certain streams excepted for existing industrial use.

Where waters have been classified or standards established pursuant to this act, any discharge which is not in accord with such classification or standards shall be deemed to be pollution.

What deemed pollution.

HeinOnline -- 1955 281 1955

"Sewerage system." (f) "Sewerage system" means pipe lines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for collecting or conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

"Treatment works." (g) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other words not specifically mentioned herein, installed for the purpose of treating, stabilizing or holding sewage, industrial waste, or other wastes.

"Disposal system." (h) "Disposal system" means a system for disposing of sewage, industrial waste or other wastes, and includes sewerage systems and treatment works.

"Waters of the state." (i) "Waters of the state" means all streams and lakes, including all rivers and lakes bordering on the state, wells, springs, irrigation systems, marshes, watercourses, waterways drainage systems and other bodies of water, surface and underground, natural or artificial, publicly or privately owned. Provided, however, that unless drainage or seepage from artificial, privately owned bodies of water reaches flowing streams of the state in such condition as to pollute such flowing waters, the provisions of this act shall not apply to artificial, privately owned waters; and provided further, the provisions of this act shall not apply to any waters of the state not reasonably suitable for domestic or public water supply for human consumption at the time of the passage of this act.

"Person." (j) "Person" means the state or any instrumentality thereof, any municipality, political subdivision, institution, public or private corporation, partnership, individual, or other entity.

Board of health to administer act. Section 4. **Administration.** (a) The state board of health, hereinafter referred to as "the board" shall under the supervision of the council as hereinafter described, have the responsibility for the administration of this act. Subject to the general supervision of said council, the executive officer of the board shall administer the provisions of the act in accordance with said council's rules, regulations, orders, standards of water quality and classifications of the waters of the state. The executive officer of the board may delegate to any employee of the board such of his functions and duties as he deems necessary for

HeinOnline -- 1955 282 1955

the proper and efficient administration of this act, except as provided in (b) below.

"State Water Pollution Council" created.

(b) There is hereby created a state water pollution council, hereinafter referred to as the "council". The council shall consist of seven (7) members as follows:

Composition of council.

The executive officer of the state board of health; the state fish and game warden *(director, state fish and game department);* the state engineer; and (4) members to be appointed by the governor as follows: A representative of industry concerned with the disposal of inorganic waste within the state, for an initial term of one (1) year, thereafter for a term of four (4) years; a representative of industry concerned with the disposal of organic waste within the state for an initial term of two (2) years, thereafter for a term of four (4) years; a representative of agriculture within the state for an initial term of three (3) years, thereafter for a term of four (4) years; a representative of municipal government within the state for a term of four (4) years. The chairman shall be elected from among their number.

No additional compensation shall be allowed any members of the council for services rendered who are employed by the state government. The four (4) members appointed by the governor to serve on the council shall each be paid in addition to actual travel expenses, ten dollars ($10.00) per day for each day of actual services in the performance of their duties, and all members of the council shall be reimbursed for travel and other necessary expenses incurred in their official duties as members of the council. All expenses of members who are otherwise in the employ of the state government shall be paid from the appropriation to their respective agencies. The expenses and per diem of the members who are appointed by the governor shall be paid from funds available to the state board of health.

Meetings.

The council shall hold at least two (2) regular meetings each calendar year and shall keep a record of its proceedings which shall be open to the public for inspection. Special meetings may be called by the chairman and must be called by him upon receipt of a written request signed by two (2) or more members of the council. Written notice of the time and place for all meetings shall be mailed in advance to the office of each member of the council and

HeinOnline -- 1955 283 1955

the secretary. A majority of the members of the council shall constitute a quorum.

Deputy may be designated by member.

Each member of the council may, by order filed with the secretary of the council, designate a deputy or alternate to perform the duties of the member making the designation. Such persons, if any, designated pursuant to this section, shall have the powers and be subject to the duties and responsibilities of the member designating him.

Secretary of council—qualifications, duties.

(c) The secretary of the council shall be a member of the public health engineering staff of the state board of health, designated by the executive officer of the board. The secretary shall keep all records of meetings of and actions taken by the council. He shall keep the council advised as to actions taken by persons in response to recommendations and orders issued under authority of this act and shall perform other duties as determined upon by the council, not inconsistent with rules, regulations, and policies adopted by authority of this act or specific authority otherwise given the council.

Powers and duties of council.

Section 5. **Powers and Duties of the Council.** The council is herewith authorized and directed:

Studies, investigations.

(a) To study, investigate, or cause to be studied and investigated, and from time to time, determine ways and means of eliminating from the streams and waters of the state, so far as practical, all substances and materials which pollute the same, and to determine methods, so far as practical, of preventing pollution that is detrimental to the public health or the health of animals, fish, or aquatic life, or the industrial development of the state, or detrimental to the practical use of waters for recreational purposes, agricultural or industrial purposes, or obnoxious, nauseous or toxic for domestic purposes;

Rules and regulations, procedures for guidance of board.

(b) To devise, formulate and adopt rules, regulations and methods of procedure for transmittal to the board for their guidance in the administration of this act;

Program of prevention and control.

(c) To develop and adopt a comprehensive program for the prevention, control and abatement of pollution of the waters of the state and from time to time review and modify such program for the guidance of the board;

Recommend studies.

(d) To recommend and encourage studies, investigations, research, demonstrations relating to water pollution

HeinOnline -- 1955 284 1955

and causes, prevention, control and abatement thereof as are deemed advisable and necessary and to direct the board regarding any actions deemed necessary from the results of such studies, investigations, research and demonstrations in order that the board may discharge its functions under this act;

(e) To formulate the standards of water purity and classification of water according to the most beneficial uses of such water; in formulating such standards and classifications consideration shall be given to the economics of waste treatment and prevention; Formulate standards of purity.

(f) To hold hearings necessary for the proper administration of this act; and to receive complaints and make investigations in relation thereto; Hold hearings. Receive complaints

(g) To exercise all incidental powers necessary to carry out the purposes of this act; Elastic clause.

(h) To utilize, in carrying out its duties, such staff services of the board as the board is able to make available within its budgetary limits. Use such staff as board may allow.

Section 6. **Powers and Duties of the Board.** The board shall have and may exercise the following powers and duties: Board powers and duties—

(a) *To consider actions of this council as set forth in section 5, providing that the board may modify such actions of the council only in so far as is necessary to protect human health;* Consider and modify actions of council.

(b) To accept and administer loans and grants from the federal government and from any other source for carrying out any of its functions; Accept, administer federal monies.

(c) To issue, modify or revoke *orders* for the abatement of pollution or to require the adoption of such remedial measure, including the construction of new disposal systems or treatment works or the modifications, extension or alteration of existing systems and works, as it shall be directed by the council; Issue, revoke, modify orders.

(d) To examine and approve or disapprove all plans and specifications for the construction and operation of (1) new sewerage systems, disposal systems and treatment works, (2) extensions, modifications of or additions to new Examination plans of sewerage systems, business establishment extensions, new outlets.

HeinOnline -- 1955 285 1955

or existing sewerage systems, disposal systems or treatment works, (3) extension and modifications of or additions to factories, manufacturing establishments or business enterprises, the operation of which would cause a substantial increase in waste discharges or otherwise substantially alter the physical, chemical or biological properties of the waters of the state and (4) new outlets for the discharge of sewage, industrial wastes or other wastes into any sewerage system or otherwise into the water of the state subject to the rules and regulations of the council;

Permits for collection, discharge of sewerage.

(e) To issue, continue in effect, revoke, modify or deny permits to any person for the collection and discharge of sewage and industrial and other wastes under such conditions as the council may prescribe to achieve the purposes of this act;

Cooperate with other agencies, groups.

(f) To advise, consult and cooperate with other agencies of the state and other states and federal government and with affected groups, political subdivisions and industries, in the formulation of such comprehensive program;

Information.

(g) To collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

Studies.

(h) To conduct as it deems necessary, studies, investigations, research and demonstrations relating to water pollution and the causes, prevention, control and abatement thereof.

Pollution unlawful.

Section 7. **Pollution Unlawful: Permits.** (a) It shall be unlawful for any person to cause the pollution, as defined in section 3, subsection (e) of this act, of any waters of the state.

Permits required, when.

(b) It shall be unlawful for any person to construct, install or operate a new sewerage system, disposal system or treatment works, extensions, modifications, or additions to new and existing sewerage systems, disposal systems, or treatment works, extensions, modifications or additions to factories, manufacturing establishments or business enterprises, the operation of which would cause a substantial increase in waste discharges to the waters of the state, or otherwise substantially alter the physical, chemical or biological properties of the waters of the state to make or cause to be made any new outlet for the discharge of sewer-

HeinOnline -- 1955 286 1955

age, industrial waste or other wastes into any sewerage system or into the waters of this state without first securing such a permit as the board may by regulations require. The board may require the submission of plans and specifications for approval or disapproval and such other information as it deems relevant in connection with the issuance of such permits.

Board may enter and inspect.

Section 8. **Inspection and Entry.** The board, through its duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to pollution of any waters of the state.

Council to classify and establish standards.

Section 9. **Classifications and Standards.** (a) In order to effectuate a comprehensive program for the prevention, abatement and control of pollution in the waters of the state, the council is authorized to group such waters into classes in accordance with their present and future most beneficial uses in the interest of the public and such classification or standards may from time to time be altered or modified. Standards of quality and purity for each such classification of the waters of the state shall be adopted in relation to the most beneficial use and benefit to which the waters are or may in the future be put. Such standards may from time to time be altered or modified.

Public hearings.

Before streams are classified or standards established or before such standards are modified or repealed, public hearings by the council shall be held in connection therewith.

Notice.

Notice of public hearing for the consideration, adoption or amendment of the classification of waters and the standards of purity and quality thereof shall specify the water concerning which a classification is sought to be made or for which standards are sought to be adopted and the time, date and place of such hearing. Such notice is to be published at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the area affected and in addition shall be mailed to such other persons as the council has reason to believe may be affected by such classifications and the settings of such standards.

Hearings, rehearings, review.

Section 10. **Hearings and Review.** (a) Any order issued by the council or board shall become final upon thirty (30) days after notice thereof is given to the person affected by such order unless within such thirty (30) day

HeinOnline -- 1955 287 1955

period such person files a notice of application for rehearing with the council. If such notice is filed the council shall accord the appellant a rehearing. A record or summary of the proceedings of such rehearing shall be filed with the council, together with findings of fact made by the council. In any such rehearing, a representative of the council is authorized to administer oaths, examine witnesses and issue notices of hearings and subpoenas requiring the testimony of witnesses and the production of evidence relevant to matter involved in the rehearing. Witnesses shall receive the same fees and mileage as in civil actions. In case of failure to obey a notice of hearing or subpoena issued under this section the district court for the county where the hearing is held shall have jurisdiction upon application of the council or its representatives to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by the district court as contempt thereof.

The council shall affirm, modify or reverse such order and notify the appellant of its action. The action of the council shall become final thirty (30) days after notice of such action is served upon the appellant by registered mail or unless within such time an appeal is taken to the district court as herein provided.

An appeal may be taken from any decision of the council by any person who is or may be adversely affected thereby to the district court of any county wherein any part of such alleged pollution originates or where any other matter or controversy may arise. Within thirty (30) days after receipt of a copy of the order of the council made on rehearing or after service of notice thereof by registered mail, the appellant or his attorney shall serve a notice of appeal on the council through its secretary, provided that during such thirty (30) day period the court may for good cause shown extend the time for notice of appeal for not exceeding an additional sixty (60) days. The notice of appeal shall refer to the action appealed from and shall specify the ground of appeal. The original notice of appeal with proof of service shall be filed by the appellant or his attorney with the clerk of the court within ten (10) days of the service of the notice and thereupon the court shall have jurisdiction of the appeal.

HeinOnline -- 1955 288 1955

The appellant and the council shall in all cases be deemed the original parties to an appeal. Any person affected may become a party by intervention as in a civil action upon showing cause therefor. The attorney general shall represent the council if requested by the council on all such appeals on behalf of the state, or the council is empowered at its discretion to appoint special counsel for such proceeding. No bond or deposit for cost shall be required of the state or council upon any such appeal or upon any subsequent appeal to the supreme court or other court proceedings, pertaining to the matter.

Review de novo.

The trial of the matter shall be de novo, and upon such trial the court shall determine whether or not the council regularly pursued its authority, or whether or not the orders of the board and the findings of the council ought to be sustained, or whether or not such orders and findings are reasonable under all of the circumstances of the case.

An appeal may be taken from the decision of the district court to the supreme court of Montana in the same manner as is provided in civil cases. Upon the final determination of such judicial proceedings, the council shall enter an order in accordance with such determination.

Penalties.

Section 11. **Penalties.** Any person who violates any final determination or order of the board or of the council shall be enjoined from continuing such violation.

Time limitations on compliance.

Section 12. **Compliance.** Within thirty (30) days after the date on which order of the board or of the council becomes final or after the date judgment affirming such an order is entered, the person or persons as defined herein upon whom the order has been served shall initiate such steps as may be necessary to comply with it. Provided, however, upon good cause shown the board or the council shall extend said thirty (30) day period for a reasonable period of time.

Injunctions.

Section 13. **Injunction.** It shall be the duty of the council to bring action for an injunction against any person or persons violating any final order of the board or of the council.

Cooperation of state officers required.

Section 14. **State Officers to Cooperate With the State Water Pollution Council.** The council is hereby authorized to require the assistance, cooperation and services of and

HeinOnline -- 1955 289 1955

the use of the records and files in all the departments and institutions of the state, and all state officers and the governing authorities of all state institutions are hereby directed to cooperate with the council in furthering the purposes of this act.

Repealing clause.

Section 15. **Repeal.** All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed. The provisions of this act are, however, not to be construed to impair or lessen in any manner the existing powers and duties of the state board of health, except that chapter 184 of the thirty-first legislative assembly is hereby repealed.

Not to impair existing powers of board of health.

Existing rights and remedies preserved.

Section 16. **Preservation of Rights.** It is the purpose of this act to provide additional and cumulative remedies to prevent, abate and control the pollution of the waters of the state. Nothing herein contained shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this act or any act done by virtue thereof, be construed as estopping the state, or any municipality or person as owners of water rights or otherwise in the exercise of their rights in equity or under the common law or statutory law to suppress nuisances or to abate pollution.

Severability.

Section 17. **Severability.** If any section, subsection, sentence, clause, phrase or words of this act is for any reason held to be unconstitutional, such decrees shall not affect the validity of any remaining portions of this act.

Approved March 3, 1955.

CHAPTER 143

An Act to Amend Section 53-129 of the Revised Codes of Montana, 1947, as Amended by Section 3, Chapter 195, Laws of 1953, Relating to Foreign Vehicles Used in Gainful Occupation — Registrar of Motor Vehicles May Make Reciprocal Agreements to Exempt, by the Establishment of a State Reciprocity Board and Designating the Representatives to Serve on Said Board, by Providing for Meetings of the Board, by Providing That the Board Has Authority to Establish Rules and Regula-

HeinOnline -- 1955 290 1955

tions, by Providing for Notice of Meetings and That Three Members of the Board Shall Constitute a Quorum, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-129 of the Revised Codes of Montana, 1947, as amended by section 3, chapter 195, laws of 1953, be, and the same is hereby amended to read as follows:

Foreign vehicles used in gainful occupation must be licensed in Montana.

"53-129. **Foreign Vehicles Used in Gainful Occupation** — *Reciprocity Board* **May Make Reciprocal Agreements to Exempt.** (1) Before any foreign licensed motor vehicle shall be operated on the highways of this state for hire, compensation or profit, or before the owner thereof uses the vehicle while engaged in gainful occupation or business enterprise, in the State of Montana, including highway work, the owner of such vehicle shall make application to a county treasurer for registration, upon an application form furnished by the registrar of motor vehicles. Upon satisfactory evidence of ownership submitted to such county treasurer, the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle. The treasurer shall thereupon *issue to the applicant a copy of the application entitled 'owner's certificate of registration receipt' and* forward *a duplicate copy of certificate of registration* to the registrar of motor vehicles. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers, which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license. *The* registration receipt shall not constitute evidence of ownership, but shall only be used for registration purposes. No Montana certificate of title shall be issued for this type of registration. This paragraph shall not be applicable to any vehicle which is a part of an interstate fleet registered and licensed under the provisions of section 53-114, Revised Codes of Montana, 1947, as amended, nor to any vehicle covered by a valid and existing reciprocal agreement or declaration entered into as hereinafter set forth.

Treasurer's duties.

Exception, proportional fleet; reciprocity.

HeinOnline -- 1955 291 1955

State reciprocity board created.

(2) (a). *There is hereby created for the purpose of the administration of this act a state reciprocity board, which consists of five (5) members to be appointed by the governor. One of said members shall be a member of the registrar of motor vehicles; one shall be a member of the* Composition. *Montana highway patrol; one shall be a member of the Montana state highway commission; one shall be a member of the state board of equalization; and one shall be the attorney for the Montana state highway commission. The members of the state reciprocity board shall meet in the offices of the state highway commission at the state capitol and organize as a state reciprocity board during the first week in July, 1955, or as soon thereafter as possible. At* Meeting, organization. *the first annual meeting and at each annual meeting thereafter the board shall elect a secretary who may be, but need not be, a member of said board, and the board shall elect a chairman from its own membership who shall hold office for one (1) year. Election as chairman shall not interfere with the member's right to vote on all matters before the board. The board shall meet at such other times as it deems advisable, but at least once every thirty (30) days, and shall from time to time adopt rules and regulations for the administration of this act as may be deemed necessary.*

Quorum.

(b) *The board shall act collectively in harmony with recorded resolutions or motions adopted by the majority of the board at regular or special meetings, notice of which meetings shall be given to all members pursuant to the rules of said board. Three (3) members shall constitute a quorum at any meeting; but no resolution, motion, or other decision of the board shall be adopted or passed without the favorable vote of at least three (3) members.*

Board may enter reciprocal agreements.

(3) (a) The *state reciprocity board* shall have the power to enter into agreements or arrangements with the duly authorized representatives of other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries granting exemption to owners of vehicles which are properly registered or licensed in such jurisdictions, and upon which evidence of registration is conspicuously displayed, from the payment, wholly or partially, of any taxes, fees or other charges imposed upon such owners with respect to the ownership or operation of such vehicles under the laws of this state.

HeinOnline -- 1955 292 1955

Such agreements or arrangements shall provide that owners of vehicles registered or licensed in this state who operate vehicles upon the highways of such other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries shall receive substantially equivalent exemptions, benefits and privileges as are extended to owners of vehicles from such jurisdictions in this state.

Agreements may permit recognition out-of-state registrations.

(*b*) Agreements or arrangements entered into under the authority herein granted may contain provisions authorizing an owner or owners of one of the states, districts, territories or possessions of the United States or foreign states, provinces or countries which is a party thereto to register or license vehicles in another jurisdiction which is a party thereto. Vehicles registered or licensed in one of such jurisdictions under such provision shall be exempt from registration or licensing requirements in the other jurisdiction or jurisdictions which are parties thereto and shall be entitled to all exemptions, benefits and privileges granted with respect to other vehicles registered or licensed in such jurisdiction, as to such interstate operations.

May provide for denial of benefits for violations.

(*c*) Agreements or arrangements entered into under the authority herein granted may contain provisions denying the exemptions, benefits and privileges granted thereunder to any owner who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the *state reciprocity board.*

Board may examine and interpret legal requirements and exemptions.

(*d*) The *state reciprocity board* is authorized to examine the legal requirements of motor vehicle registration, license and weight fee statutes of states which grant reciprocal privileges to out-of-state owners but which do not authorize negotiation or execution of agreements by administrative officials and *it* is authorized to determine, by such examination, and to declare the extent and nature of the reciprocal exemptions, benefits and privileges to which owners of vehicles from such states shall be entitled under the laws of this state.

Agreements and rules, when effective.

(*e*) All agreements, arrangements, declarations and rules and regulations authorized by this section shall be in writing and shall become effective when filed *with the*

HeinOnline -- 1955 293 1955

secretary for the state reciprocity board who shall make copies available to the public upon request."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 144

An Act to Amend Section 84-4195 of the Revised Codes of Montana, 1947, Relating to the Apportionment of Proceeds of Sales and Leases of County Tax Deed Lands, For the Purpose of Providing That the Proceeds of Royalties Reserved From Sale of Tax Deed Lands be Credited to the County General Fund; Repealing All Acts and Parts of Acts; and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-4195 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Apportionment of proceeds of sales and leases.

"84-4195. **Apportionment of Proceeds of Sales and Leases.** The proceeds of every such sale or lease shall be paid over to the county treasurer who shall apportion and distribute the same in the following manner:

Apportioned on current year's levy.

"(a) Upon a lease of the property the amount received as rent, royalty, or otherwise, including interest received on the payments under either a sale or lease shall be apportioned *on the current year's levy* and shall be credited as earnings of tax deed property and not considered as a credit to tax deed accrued accounts, as in the case of the principal received from sales of tax deed lands.

Receipts from royalties to general fund.

"(b) *Whenever tax deed lands have been sold and the county has reserved a royalty interest, any sums of money received from such royalty interest shall be credited to the general fund of the county.*

Up to $10.00 to reimburse general fund.

"(c) Upon a sale of such property the proceeds of each sale up to the amount of ten dollars ($10.00) shall be

HeinOnline -- 1955 294 1955

credited to the county general fund to reimburse such for expenditures made therefrom in connection with the procurement of tax deed and holding sale.

Residue, how distributed among funds, if more than aggregate of all taxes.

"(d) Upon a sale of the property if there be any amount remaining of such proceeds after the payment of the amount specified in subdivision (c) hereof and such remainder is in excess of the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty and interest, then so much of such remaining proceeds shall be credited to each fund or purpose, as the same would have received had such taxes been paid before becoming delinquent and all excess shall be credited to the general fund of the county.

Residue, pro-rated, if less than aggregate of all taxes.

"(e) Upon such sale if there shall be any amount remaining of such proceeds after the payment of the amount specified in subdivision (c) hereof and such remainder is less in amount than the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty or interest, such proceeds shall be prorated between such funds and purposes in the proportion that the amount of taxes and assessments accrued against such property for each such fund or purpose bears to the aggregate amount of taxes and assessments accrued against such property for all funds and purposes."

Repealing clause.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 145

An Act to Amend Section 15-1702 (6652) of the Revised Codes of Montana, 1947, Relating to Designation and Consent of Process Agent of Foreign Corporations, Change of Principal Place of Business in Montana, and or Change of Its Resident Agent Within This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 15-1702 (6652) be and the same is hereby amended to read as follows:

HeinOnline -- 1955 295 1955

Consent of agent—filing.

"15-1702. (6652) **Consent of Agent.** The written consent of the person so designated to act as such agent shall also be filed in like manner, and such designation shall remain in force until the filing in the same offices of a written revocation thereof, or of a consent, executed in like manner. A certified copy of a designation so filed, accompanied with a certificate that it has not been revoked, is presumptive evidence of the execution thereof, and conclusive evidence of the authority of the officer executing it."

Change of address allowed.

When agent changed.

"A foreign corporation may from time to time change the address of its principal office in this state. A foreign corporation shall change its resident agent if the office of resident agent shall become vacant for any reason, or if its resident agent becomes disqualified or incapacitated to act, or if it revokes the appointment of its resident agent.

Filing statement of change.

"A foreign corporation may change the address of its principal office or change its resident agent, or both, by filing in the office of the secretary of state a statement setting forth:

Contents of statement.

(a) The name of the corporation.

(b) The address, including street and number, if any, of its then principal office.

(c) If the address of its principal office be changed, the address, including street and number, if any, to which the principal office is to be changed.

(d) The name of its then resident agent.

(e) If its resident agent be changed, the name of its successor resident agent.

"Such statement shall be executed in duplicate by the corporation by its president or a vice president, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this act, he shall:

Duty of secretary of state.

(a) Endorse on each of such duplicate originals the word 'filed', and the month, day, and year of the filing thereof.

(b) File one of such duplicate originals in his office.

HeinOnline -- 1955 296 1955

(c) Return the other duplicate original to the corporation or its representative.

County filing.

"The duplicate original returned by the secretary of state shall be filed for record in the office of the county clerk of the county in which the principal office of the corporation in this state was situated prior to the filing of such statement in the office of the secretary of state.

Filing in new county of residence.

"If the principal office is changed from one county to another county, then the corporation shall also file for record in the office of the county clerk of the county to which such principal office is changed:

(a) A copy of its charter, or articles of incorporation and all amendments thereto, certified by the secretary of state.

(b) A copy of the statement of change of address of its principal office.

"The change of address of the principal office, or the change of resident agent, or both, as the case may be, shall become effective upon the filing of such statement by the secretary of state.

Resignation of agent.

"The resident agent for service of process designated by a foreign corporation may file with the secretary of state and with the county clerk of the county wherein the principal office or place of business in the state is located a signed statement that such agent is unwilling to continue to act as the agent of such corporation for the service of process. Upon the expiration of thirty (30) days after the filing of such statement with the secretary of state the authority of such agent shall terminate, and thereafter service of process on such foreign corporation may be made in accordance with the provisions of section 93-3008, Revised Codes of Montana, 1947, as amended by chapter 122 laws of 1951. Upon the filing of such statement the secretary of state forthwith shall give written notice, by mail, to such corporation of the filing of such statement and the effect thereof, which notice shall be addressed to such foreign corporation at its principal office or place of business as shown by the records of the secretary of state."

Secretary of state—notice to corporation.

Approved March 3, 1955.

HeinOnline -- 1955 297 1955

CHAPTER 146

An Act to Amend Section 26-806 of the Revised Codes of Montana, 1947, Relating to the Possession, Purchase, Selling or Transportation Within the State of Fish, Game or Fur-bearing Animals or Parts Thereof, and to Repeal Section 26-706 of the Revised Codes of Montana, 1947, Relating to Transporting or Selling Illegally Taken Fish; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-806 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Unlawful to buy, sell, possess or transport certain fish, birds, animals.

"Section 26-806. **Unlawful to** *Buy, Sell, Possess or* **Transport** *Fish, Game Birds, Game Animals, or Fur-bearing Animals,* **or Parts** *Thereof* — **Exceptions — Penalty.** It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport any game fish, *game bird, migratory game bird,* game *animal* or fur-bearing animal or part thereof, protected by the laws of this state, whether belonging to the same or different species from that native to the State of Montana, except as specifically permitted by *the laws of this state.* The provisions of this section shall not *prohibit the possession or transportation within the state of any legally taken fish, game bird, migratory game bird, game animal or fur-bearing animal, or part thereof, nor the sale, purchase, or transportation of hides, heads or mounts of lawfully killed game animals, game birds, game fish or fur-bearing animals.* Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by *law.*"

Exception.

Repealing Section 26-706, R.C.M., 1947, and conflicting acts.

Section 2. That section 26-706, Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 147

An Act to Amend Section 81-1412 of the Revised Codes of Montana, 1947, Relating to Fire Wardens.

HeinOnline -- 1955 298 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 81-1412, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Forester to appoint fire wardens.

"81-1412. The state forester shall appoint in such number and localities as he deems wise, public-spirited citizens to act as volunteer fire wardens. Every sheriff, undersheriff, deputy sheriff, game warden, and deputy game warden shall be ex-officio a fire warden, but shall not receive any additional compensation by reason of the duties hereby imposed, and they shall be deemed paid fire wardens under the terms of this act. The supervisors and rangers of the federal forest *lands* within this state whenever they formally accept the duties and responsibilities of fire wardens, may be appointed volunteer fire wardens, and shall have all the powers given to fire wardens by this act. The fire wardens shall promptly report all fires to the state board of forestry, take immediate and active steps toward their extinguishment, report any violation of forest laws, and assist in apprehending and convicting offenders."

Ex-officio fire wardens.

Duties of fire wardens.

Approved March 3, 1955.

CHAPTER 148

An Act to Amend Section 16-1907, Revised Codes of Montana, 1947, as Amended by Chapter 159, Laws of 1953, Relating to the Limitation of Total Expenditures Which May be Made or Liabilities Which May be Incurred in Any County in Any Fiscal Year to Meet Emergencies, Establishing Such Limitations, and Providing for the Holding of Elections to Vote on the Question of Authorizing Additional Emergency Expenditures.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-1907 of the Revised Codes of Montana, 1947, as amended by chapter 159, sessions laws of Montana of 1953, be, and the same is hereby amended to read as follows:

"Section 16-1907. (4613.6) **Emergency Expenditures — Notice and Hearings — Objections by Taxpayers — Appeal — Notice and Hearing Dispensed With in Ex-**

HeinOnline -- 1955 299 1955

treme Cases — Emergency Warrants — Tax Levy — Lapse of Appropriations.

Emergency expenditures.

(1) In a public emergency, other than such as are hereinafter specifically described, and which could not reasonably have been foreseen at the time of making the budget, the board of county commissioners, by unanimous vote of the members present at any meeting, the time and place of which all the commissioners shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet such emergency and shall publish the same, together with a notice that a public hearing will be held thereon at the time and place designated therein, but which shall not be less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official newspaper of the county, and if there be none then in a newspaper of general circulation in the county.

Notice and public hearings.

Objections by taxpayers.

(2) Upon the conclusion of such hearing, if the commissioners shall approve of such emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the board present at such meeting, an order setting forth the facts constituting such emergency together with the amount of expenditure authorized by them therefor, which order, so entered, shall be lawful authorization for them to expend such amount, but no more, for such purpose, subject however, to the following limitations: No expenditures shall be made or liability incurred pursuant to said order until five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of said county feeling aggrieved by said order may appeal therefrom to the district court for such county by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the county clerk and recorder of said county as the clerk of the board of county commissioners. Said petition shall set forth in detail the objections of the petitioner or petitioners to said order, giving their reasons why the said emergency does not exist. The service and filing of such petition shall operate to suspend such emergency order and the authority

Appeal.

HeinOnline -- 1955 300 1955

to make any expenditure or incur any liability thereunder, until final determination of the matter by the court.

(3) Upon the filing of such petition the court shall immediately fix a time for hearing such petition which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency, such as is contemplated within the meaning and provisions of this act, exists or not, and whether the expenditure authorized by said order is excessive or not shall be final.

Court to hear de novo.

(4) The total of all emergency budgets, and appropriations made therein, in any one year, to be paid from the county poor fund shall not exceed *the amount which would be produced by a mill levy equal to the difference between the mills levied in that year and the maximum mill levy* authorized by law to be made for such fund, computed against the taxable value of the property subject to such levy, as shown by the last completed assessment roll of the county.

Limitation on emergency budgets.

(5) Upon the happening of an emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health, or for the restoration of a condition of usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by law, the county commissioners may, upon adoption by unanimous vote of all members present at any meeting, the time and place of which all members shall have had reasonable notice, of a resolution stating the facts constituting the emergency, and entering the same upon their minutes, make the expenditures or incur the liabilities necessary to meet such emergency without further notice or hearing; provided, that the aggregate total of all expenditures made or liabilities incurred in any fiscal year to meet emergencies other than such as are caused by fire, flood, explosion, earthquake, epidemic, riot or insurrection, shall not exceed the sum of twenty-five thousand dollars ($25,000.00) in counties

Enumerated extremities, procedures abbreviated.

Limitations on ordinary emergency expenditures without a vote.

HeinOnline -- 1955 301 1955

of classifications 1, 2, 3 and 4; fifteen thousand dollars ($15,000.00) in counties of classifications 5 and 6, and seven thousand five hundred dollars ($7,500.00) in counties of classification 7 unless the excess above said sum shall first have been authorized by a majority of the taxpaying freeholders of such county, who are registered electors therein, voting at a general or special election. The question of authorizing such excess expenditure shall be submitted in the following form, inserting in the ballot the amount of the excess proposed to be authorized and a description of the emergency to be met:

Form of question of excess expenditure.

"Shall the board of county commissioners of..... .....County, Montana be authorized to make additional expenditures and incur additional liabilities in the amount of $..... over and above the sum of ....., to meet an emergency caused by .....

☐ Yes

☐ No."

Notice of such election shall be given by posting notice thereof at least fifteen (15) days before such election in three (3) public places in each voting precinct within the county and by publishing such notice for not less than ten (10) days before the date of such election.

Emergency warrants, procedure.

(6) All emergency expenditures shall be made by the issuance of emergency warrants drawn against the fund or funds properly chargeable with such expenditures, and the county treasurer is authorized and directed to pay such emergency warrants with any money in such fund or funds available for such purpose, and if, at any time, there shall not be *sufficient* money available in such fund or funds to pay such warrants then such warrants shall be registered, bear interest and be called in for payment in the manner provided by law for other county warrants.

Retirement of emergency warrants.

(7) The county clerk and recorder shall include in his annual tabulation to be submitted to the board of county commissioners the total amount of emergency warrants issued during the preceding fiscal year, and the county commissioners shall include in their tax levies a levy for each fund sufficient to raise an amount equal to the total amount of such warrants, if there be any, remaining unpaid at the close of such preceding fiscal year because of insuf-

HeinOnline -- 1955 302 1955

ficient money in such fund to pay the same; provided, however, that no levy shall be made for any fund in excess of the levy authorized by law to be made therefor; and provided further, that the board of county commissioners may submit the question of funding such emergency warrants at any election, as provided by law, and if at any such election the issuing of such funding bonds be authorized it shall not then be necessary for any levy to be made for the purpose of paying such emergency warrants.

Limitation.

Election on funding emergency warrants.

(8) All appropriations, other than appropriations for incompleted improvements in progress of construction, shall lapse at the end of the fiscal year; provided that the appropriation accounts shall remain open for a period of thirty (30) days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year and remaining unpaid. After such period shall have expired, all appropriations except as hereinbefore provided, regarding incompleted improvements, shall become null and void, and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget."

Lapse of appropriation.

Approved March 3, 1955.

CHAPTER 149

An Act to Amend Section 26-217 of the Revised Codes of Montana, 1947, Relating to the Alteration or Transfer of License; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 26-217 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 26-217. **Alteration or Transfer of License.** No person shall at any time alter or change in any material manner, or loan or transfer to another, any license issued in pursuance to the provisions of this act, nor shall any person other than the person to whom it is issued use the same. Any person who shall swear or affirm to any false statement in application for a hunting, fishing or trapping

Alteration, transfer of game license forbidden.

HeinOnline -- 1955 303 1955

Misdemeanor.

license, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as provided *by law*. Any false statement contained in any application for such license shall render the license null and void."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 150

An Act to Amend Section 26-108 of the Revised Codes of Montana, 1947, Relating to Deputy State Fish and Game Wardens, and Their Qualifications, by Making Provision for Removal, Rating, Salaries and Expenses of All Employees, and to Repeal Section 26-112 of the Revised Codes of Montana, 1947, as Amended by Chapter 133 of the Session Laws of 1951, Relating to Fish and Game Wardens, Their Removal, Rating, Salary and Expenses, and to Repeal Section 26-113 of the Revised Codes of Montana, 1947, Relating to Special Fish and Game Wardens; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-108 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Director empowered to remove employees.

"Section 26-108. *Employees of the Commission — Removal — Rating — Salaries — Expenses. The director shall have the power to suspend without pay, reduce in rank, or remove any employee at any time for cause, providing that any person who has been continuously employed for one (1) year or more immediately preceding any suspension or discharge may demand and receive a hearing on charges filed before the fish and game commission. The action of the commission resulting from such a hearing shall be final. The director shall rate all employees on the basis of merit and efficiency in accordance with such rules and regulations as the commission may adopt to secure a proper rating of each person employed. The salaries of employees shall be fixed by the commission and necessary*

Hearing.

Rating of employees.

Salaries and expenses.

HeinOnline -- 1955 304 1955

expenses as provided by law shall be allowed while upon official business away from designated headquarters.''

Repealing 26-112, R.C.M., 1947, as amended; 26-113, R.C.M., 1947.

Section 2. That section 26-112 of the Revised Codes of Montana, 1947, as amended by chapter 133 of the session laws of 1951, and section 26-113 of the Revised Codes of Montana, 1947, are hereby repealed.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 151

An Act to Provide for Control of the Affairs of Credit Unions by the State Examiner When Such Affairs Are in an Unsound Condition; Providing the Procedure for Appointment of the State Examiner as Receiver of a Credit Union When Its Affairs Are Not Restored to a Sound Condition; Providing for the Powers of Such Receiver; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

State examiner may take control of credit union, when.

Section 1. **Insolvency or Impairment of Credit Unions.** Whenever it shall appear to the state examiner that the affairs of any credit union are in an unsound condition, or that it is conducting its business in an unsafe or unlawful manner, the state examiner may take possession of all books, records and assets of every description of such credit union and hold and retain the possession of same pending the further proceedings herein specified. Should the board of directors, secretary or person in charge of such credit union refuse to permit the state examiner to take possession as aforesaid, the state examiner shall communicate such fact to the attorney general, whereupon it shall become the duty of the attorney general at once to institute such proceedings as may be necessary to place the state examiner in immediate possession of the property of such credit union. Upon taking possession of the effects of the credit union as aforesaid, the state examiner shall prepare a full and true statement of the affairs and condition of such credit union, including an itemized statement of its

Attorney general to prosecute refusal to comply.

Statement of affairs and conditions.

HeinOnline -- 1955 305 1955

assets and liabilities and shall receive and collect all debts, dues and claims belonging to it and pay the immediate and reasonable expenses of his trust. When the condition of such credit union has been fully ascertained and it shall appear that the affairs of said credit union are in fact in an unsound condition, the state examiner shall at once notify, in writing, the board of directors of such credit union of his decision, giving them twenty (20) days in which to restore the affairs of such credit union to a sound condition. Meanwhile, the state examiner shall remain in charge of the books, records and assets of every description of such credit union, attend, or be represented, at all directors and shareholders meetings held, suggest such steps as he may deem necessary to restore such credit union to a sound condition; and if same is not done within such twenty (20) days, he shall report the facts to the attorney general and it shall thereupon become the duty of the attorney general to institute proceedings in the district court of the county in which such credit union has its principal place of business, for the appointment of the state examiner as receiver and as such he is authorized to collect all moneys due such credit union and to do such other acts as are necessary to conserve its assets and business, and he shall proceed to liquidate its affairs. He shall have general and inclusive power and authority, except as otherwise limited by law, to do any and all acts, to take any and all steps necessary, or, in his discretion, desirable for the protection of the property and assets of such credit union and the speedy and economical liquidation of its assets and affairs and the payment of its creditors, or for the reopening and resumption of business of said credit union where that is practicable or desirable. He may institute in his own name as state examiner, or in the name of the credit union, such suits and actions and other legal proceedings as he deems expedient for such purposes, and by making application to the district court of the county in which such credit union is located, or to the judge thereof, in chambers, may, upon proper and sufficient showing of cause therefor, procure an order to sell, compromise or compound any bad or doubtful debt or claim, and to sell and dispose of any or all the assets, which sale may be made to shareholders, officers, directors, or others interested in such credit union, on consent of the court. On such proceedings the credit union shall be made a party

Procedure where unsound condition found.

Restoration of soundness ordered.

If refusal, examiner to be receiver.

Powers.

HeinOnline -- 1955 306 1955

by notice issued on order of the court or judge, in lieu of summons, but served in like manner, and the hearing of any such application or petition by the state examiner may be had at any time, either in term or vacation in court, or in chambers, as the court may order, after said credit union has had five (5) days notice of such application. Hearings and notices.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 3, 1955.

CHAPTER 152

An Act to Amend Section 23-1303 of the Revised Codes of Montana, 1947, as Amended by Chapter 104 of the Session Laws of the Thirty-third Legislative Assembly of 1953, Providing for the Form of Application of Absentee or Physically Incapacitated Persons; and Providing for a Written Request in Lieu of Said Application by Any Voter in the Armed Services of the United States, Merchant Marines of the United States and Civilians Attached to and Serving With the Armed Forces Outside of the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 23-1303 (717) of the Revised Codes of Montana, 1947, as amended by chapter 104 of the session laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended to read as follows: Amending clause.

"23-1303 (717) **Form of Application.** Application for such ballots shall be made on a blank furnished by the county clerk of the county of which the applicant is an elector, or the city or town clerk, if it be municipal, general, special or primary election, and shall be in substantially the following form: Form of application.

" 'I, ..., a duly qualified elector of the ..... precinct, in the county of ....., and State of Montana, and am to the best of my knowledge and belief entitled to vote in such precinct in the next election, expecting to be

HeinOnline -- 1955 307 1955

absent from said county or, in all probability, to be physically incapacitated from going to my precinct poll on the day for holding such election, hereby make application for an official ballot to be voted by me at the said election.

.....

Post office address to which ballot is to be mailed .....

.....

State of.....} ss.
County of .....}

On this ..... day of .....,
personally appeared before me .....,
who being first duly sworn, deposes and says that he is the person who signed the foregoing application, that he has read and knows the contents of same and knows to his own knowledge the matters and things therein stated are true.

.....

.....'

Acknowledgment.

"This application must be subscribed by the applicant and sworn to before some officer authorized to administer oaths, and the application shall not be deemed complete without this affidavit.

Proviso, no acknowledgment for service personnel.

"*Provided that* application for such ballot by any voter in the armed services of the United States or in the merchant marines of the United States, or who is a civilian outside the United States officially attached to and serving wtih the armed forces of the United States may be made *by a written request, signed by said applicant,* addressed to the county clerk of the county of residence of said voter."

Approved March 3, 1955.

CHAPTER 153

An Act Creating a Board of Pardons and Prescribing the Appointment and Composition Thereof, With Power and Duty to Grant Paroles, Within Restrictions, to Supervise Probations and Suspended Sentences, to Recommend After Duly Noticed Public Hearing That the Governor Remit Fines and Forfeitures, Grant Pardons, Absolute or Conditional; Grant Commutations of Punishments After Conviction and Judgment for Offenses Committed Against the Criminal Laws of This State; Providing

HeinOnline -- 1955 308 1955

for a Director and a Staff to Administer the Provisions of This Act, and Defining Their Duties; Requiring Records of Board Proceedings; Providing for Arrest of Parolees or Probationers Upon Violation of Conditions of Release; Providing Penalties for Parole or Probation Violators; Defining Rights of Attorneys to Hearing Before the Board; Providing the Board With Power to Subpoena Witnesses, and Make Rules and Regulations Under the Provisions of This Act; Defining Governor's Power to Respite; Requiring Governor to Report Acts of Executive Clemency to the Legislative Assembly; Excluding Juveniles; Providing a Saving Clause; Repealing Sections 94-9801, 94-9802, 94-9803, 94-9804, 94-9805, 94-9806, 94-9807, 94-9808, 94-9809, 94-9810, 94-9811, 94-9812, 94-9813, 94-9814, 94-9815, 94-9816, 94-9817, 94-9818, 94-9819 and 94-9820, Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Act, How Cited.**

How act cited.

This act shall be known and may be cited as the "probation, parole and executive clemency act."

Section 2. **Board of Pardons — Organization.**

State Board of pardons created.

Membership, purpose.

There is hereby created a state board of pardons, hereinafter referred to as the "board," consisting of three (3) members who shall be appointed by the governor with the advice and consent of the senate. The board shall administer the executive clemency, probation and parole system, and shall endeavor to secure the effective application and improvement of such system and the laws upon which it is based. The members of the board shall serve on a per diem basis and shall be paid at the rate of fifteen dollars ($15.00) per day of service, plus actual and necessary expenses, and shall meet at least once each month at the state prison. The members of the board shall serve for terms of six (6) years, and until their successors are duly appointed and qualified, provided, however, that two (2) of those first appointed after this act takes effect, shall serve for terms of two (2) and four (4) years, respectively. The governor shall appoint the members of the board and call a meeting thereof within thirty (30) days of the

Per diem.

Terms.

HeinOnline -- 1955 309 1955

effective date thereof. The board shall immediately thereafter set up the system herein provided for, and make the necessary appointments of its director, and other employees. Suitable quarters, supplies and equipment shall be provided. The principal office of the board shall be in Deer Lodge, Montana. A vacancy occurring before the expiration of any member's term of office shall be filled in the same manner for the unexpired portion of said term. The governor may at any time, after notice and hearing, remove any member for neglect of duty, malfeasance, misfeasance or nonfeasance in office.

Principal office at Deer Lodge.

Vacancies.

Removal.

Terms defined.

Section 3. **Definitions.**

When used in this act, unless the context otherwise requires:

"Probation."

(a) "Probation" is the release by the court without imprisonment except as otherwise provided by law, of a defendant found guilty of a crime upon verdict or plea, subject to conditions imposed by the court and subject to the supervision of the board upon direction of the court.

"Parole."

(b) "Parole" is the release to the community of a prisoner by the decision of the board prior to the expiration of his term, subject to conditions imposed by the board and subject to its supervision.

"Executive clemency."

(c) "Executive clemency" refers to the powers of the governor as provided by section 9 of article VII of the constitution of the State of Montana.

Section 4. **Seal, Orders, Records, Annual Report.**

Seal.

The board shall adopt an official seal of which the courts shall take judicial notice. A majority of the board shall constitute a quorum. Decision of the board may be by majority vote. The orders of the board shall not be reviewable except as to compliance of terms of this act. The board shall keep a record of its acts and decisions available to the public, providing, however, that all social records, including the pre-sentence report, the pre-parole report and the supervision history obtained in the discharge of official duty by any member or employee of the board, shall be confidential and shall not be disclosed directly *or* indirectly to anyone other than the members of the board or a judge; provided, however, that the board or a court may in its discretion, whenever the best interest or welfare

Limited review.

Public records; social records confidential.

Proviso, discretionary inspection.

HeinOnline -- 1955 310 1955

of a particular defendant or prisoner makes such action desirable or helpful, permit the inspection of the report or any parts thereof by the prisoner or his attorney. At the close of each fiscal year the board shall submit to the governor, to the board of prison commissioners and to the legislature, a report with statistical data of its work, including research studies which it may make of probation, sentencing, parole or related functions, and a compilation and analysis of dispositions by criminal courts throughout the state.

Annual reports.

Section 5. **Director and Employees — Salaries to be Paid Monthly — Approval and Auditing.**

The board shall appoint a state director of probation and parole, hereinafter referred to as the "director" who shall appoint, with the approval of the board, an assistant director, probation and parole officers and other employees required to administer the provisions of this act. The director shall receive an annual salary of six thousand dollars ($6,000.00) payable monthly. All other officers and employees of the board shall receive such compensation for their services as may be fixed by the board. All officers and employees of the board shall hold office at the pleasure of the board and shall perform such duties as are imposed on them by law or by the board.

State director of probation to be appointed.

Assistant and employees.

Compensation.

Tenure.

The salaries of all officers and employees of the board shall be paid monthly after such salaries have been approved by the board upon claims therefor, to be audited and approved by the state board of examiners.

Section 6. **Expenses to be Paid.**

All expenses incurred by the board pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employees, incurred while on business of the board either within or without the state, shall, unless otherwise provided in this act, be paid from funds appropriated, after being approved by the board upon claims therefor, to be audited and approved by the state board of examiners.

Expenses, how paid.

Section 7. **Legal Adviser of the Board.**

The board may appoint any qualified attorney or the

Legal adviser.

HeinOnline -- 1955 311 1955

attorney general to act as its legal adviser and represent it in all proceedings whenever so requested by the board.

Section 8. **Duties of the Director.**

Director's duties.

The director shall be the executive officer of the board. He shall be responsible for such investigation and supervision as may be requested by the board or the courts. He shall, subject to the approval of the board, divide the state into districts and assign probation and parole officers to serve in the various districts and courts; he shall obtain office quarters for such staff in each district as may be necessary. He shall assign the secretarial, bookkeeping and accounting work to the clerical employees, including receipt and disbursement of money. He shall direct the work of the probation and parole officers and other employees assigned to him. He shall formulate methods of investigation, supervision, record keeping and reports. He shall conduct training courses for the staff. He shall seek to cooperate with all agencies, public and private, which are concerned with the treatment or welfare of persons on probation or parole. He shall further be charged with the administration of the provisions of the interstate compact for the supervision of parolees and probationers.

Section 9. **Duties of Probation and Parole Officers.**

Probation and parole officers' duties.

Probation and parole officers shall investigate all persons referred to them for investigation by the director of probation and parole or by any court to which they are instructed by the director to serve. They shall furnish to each person released under their supervision a written statement of the conditions of probation or parole and shall instruct him regarding same. They shall keep informed of the conduct and condition of each person released under their supervision and use all suitable methods to aid and encourage him to bring about improvement in his conduct and condition. Probation and parole officers shall keep detailed records of their work. They shall supervise the collection and disbursement of all monies when so instructed by the director in accordance with the orders of a court. They shall make such reports in writing as the director may require.

Section 10. **Conditions of Probation or Suspension of Sentence.**

HeinOnline -- 1955 312 1955

Board to establish conditions of parole or suspension of sentence.

The board may adopt general rules or regulations concerning the conditions of probation or suspension of sentence. Such conditions shall apply in the absence of any specific or inconsistent conditions imposed by a court. Nothing herein contained shall limit the authority of the court to impose or modify any general or specific conditions of probation or of suspension of sentence.

Not to limit court.

Court may modify conditions— notice to parole officer.

The probation and parole officer may recommend, and by order duly entered, a court may modify any condition of probation or suspension of sentence at any time. Due notice shall be given to the probation and parole officer before any such conditions are modified and he shall be given an opportunity to be heard thereon. The court shall cause a copy of any such order to be delivered to the probation and parole officer and the probationer.

Section 11. **Arrest — Subsequent Disposition.**

Arrest for violation of conditional release.

At any time during probation or suspension of sentence a court may issue a warrant for the arrest of the defendant for violation of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be personally served upon the defendant. The warrant shall authorize all officers named therein to return such defendant to the custody of the court or to any suitable detention facility designated by the court. Any probation and parole officer may arrest such defendant without a warrant, or may deputize any other officer with power of arrest to do so by giving him a written statement setting forth that the defendant has, in the judgment of said probation and parole officer, violated the conditions of his release. Such written statement delivered with the defendant by the arresting officer to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. The probation and parole officer, after making an arrest, shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with crime, shall be applicable to the defendants arrested under these provisions.

Procedure.

Disposition following arrest.

Upon such arrest and detention, the probation and parole officer shall immediately notify the court with jurisdiction over such prisoner, and shall submit in writing a report showing in what manner the defendant has violated the

HeinOnline -- 1955 313 1955

conditions of release. Thereupon, or upon an arrest by warrant as herein provided, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing may be informal or summary. If the violation is established, the court may continue to revoke the probation or suspension of sentence, and may require him to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed.

If warrant cannot be served— deemed fugitive.

A probationer or defendant under suspension of sentence for whose return a warrant has been issued by the court, shall, after the issuance of the warrant, if it is found that such warrant cannot be served, be deemed a fugitive from, or to have fled from, justice. If it shall appear that he has violated the provisions of his release, whether the time from the issuing of such warrant to the date of his arrest, or any part of it, shall be counted as time served on probation or suspended sentence, shall be determined by the court.

Section 12. **Parole Authority and Procedure.**

Authority to parole.

The board shall release on parole any person confined in the Montana state prison, except persons under sentence of death, when in its opinion there is reasonable probability that the prisoner can be released without detriment to himself or to the community, provided,

Proviso, must have served ¼ of sentence.

1. That no convict serving a time sentence shall be paroled until he shall have served at least *one-quarter (¼)* of his full term, less good time allowances off, as provided in section 80-740; except that any convict serving a time sentence may be paroled after he shall have served,

or 12½ years.

upon his term of sentence, twelve and one-half (12½) years;

Life sentence must serve 25 years.

2. No convict, serving a life sentence, shall be paroled until he shall have served twenty-five (25) years, less the good time allowances off, as provided in section 80-740. All paroles shall issue upon order of the board, duly adopted.

Review of prisoners' records.

Within *two (2)* months after his admission and at such intervals thereafter as it may determine, the board shall consider all pertinent information regarding each prisoner, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment

HeinOnline -- 1955 314 1955

and attitude in prison, and the reports of such physical and mental examinations as have been made.

Parole procedures.

Before ordering the parole of any prisoner, the board shall have the prisoner appear before it and shall interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when the board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released, but shall be subject to the orders of the board.

The board may adopt such other rules not inconsistent with law as it may deem proper or necessary, with respect to the eligibility of prisoners for parole, the conduct of parole hearings or conditions to be imposed upon parolees. Whenever an order for parole is issued it shall recite the conditions thereof.

Section 13. **Conditional Release.**

Conditional release.

A prisoner having served *one-fourth (¼)* of his term or terms, less good time allowances, shall upon parole, be deemed as released on parole until the expiration of the maximum term or terms for which he was sentenced less good time allowances as provided in section 80-740.

Section 14. **Information From Prison Officials.**

Information from prison officials.

It shall be the duty of all prison officials to grant to the members of the board, or its properly accredited representatives, access at all reasonable times to any prisoner over whom the board has jurisdiction under this act, to provide for the board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the board such reports as the board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the board pertinent in determining whether such prisoner shall be paroled.

Section 15. **Persons May be Heard — Counsel.**

All persons may be heard.

The board shall be required to hear oral statements from all persons desiring to be heard before the board and any

HeinOnline -- 1955 315 1955

Right of counsel.

person may be represented by counsel, provided that the board shall have the power to regulate procedure at all hearings.

Section 16. **Subpoenas.**

Subpoena power, procedure.

The board shall have the power to issue subpoenas compelling the attendance of such witnesses and the production of such records, books, papers and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by the board or any member thereof. Subpoenas so issued may be served by any sheriff, constable, police officer, parole and probation officer, or other law-enforcement officer. In case of contumacy by, or refusal of any person to obey a subpoena issued to such person, any member of the board or duly authorized representative of any of them may make application to any court of record of this state and such court shall have jurisdiction to issue to such person an order requiring such person to appear before the board and there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail, or refuse to attend and testify, or to answer any lawful inquiry or to produce records, books, papers and other documents if it is in his power to do so, in obedience to a subpoena of the board or any member thereof, shall be punished by a fine of not more than two hundred dollars ($200) or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

Section 17. **Rules.**

Board may make rules.

The board shall have the power and duty to make rules for the conduct of persons heretofore or hereafter placed on parole or on probation under the supervision of the board by any court in this state, and for the investigation and supervision of such persons, except that the board shall not make any rule applying to a person on probation which conflicts with the conditions of probation imposed by the court.

Section 18. **Return of Parole Violator.**

Return of parole violators.

At any time during release on parole or conditional re-

HeinOnline -- 1955 316 1955

lease the board may issue a warrant for the arrest of the released prisoner for violations of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be served personally upon the prisoner. The warrant shall authorize all officers named therein to return such prisoner to the actual custody of the penal institution from which he was released, or to any other suitable detention facility designated by the board. Any probation and parole officer may arrest such prisoner without a warrant, or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the prisoner has, in the judgment of said probation and parole officer, violated the conditions of his release. Such written statement delivered with the prisoner by the arresting officer to the official in charge of the institution from which the prisoner was released or other place of detention, shall be sufficient warrant for the detention of the parolee or conditional releasee. The probation and parole officer, after making an arrest, shall present to the detaining authorities a similar statement of the circumstances of violation. Pending hearing, as hereinafter provided, upon any charge of violation, the prisoner shall remain incarcerated in such institution.

Upon such arrest and detention, the probation and parole officer shall immediately notify the board and shall submit in writing a report showing in what manner the prisoner has violated the conditions of release. Thereupon, or upon an arrest by warrant as herein provided, the board shall cause the prisoner to be promptly brought before it for a hearing on the violation charged, under such rules and regulations as the board may adopt. If the violation is established, the board may continue or revoke the parole or conditional release, or enter such other order as it may see fit.

A prisoner for whose return a warrant has been issued by the board shall, after the issuance of such warrant, if it is found that the warrant cannot be served, be deemed a fugitive or to have fled from justice. If it shall appear that he has violated the provisions of his release, whether the time from the issuing of such warrant to the date of his arrest, or any part of it, shall be counted as time served under the sentence, shall be determined by the board.

Section 19. **Service of Term for Additional Crime.**

HeinOnline -- 1955 317 1955

Any prisoner who commits a crime while at large upon parole or conditional release, and who is convicted and sentenced therefor, shall serve such sentence concurrently with the terms under which he was released, unless otherwise ordered by the court in sentencing for the new offense.

Section 20. **Discharge of Prisoner, Parolee or Conditional Releasee.**

The period served on parole or conditional release shall be deemed service of the term of imprisonment, and, subject to the provisions contained in section 18 herein relating to a prisoner who is a fugitive from, or has fled from, justice, the total time served may not exceed the maximum term or sentence. When a prisoner on parole or conditional release has performed the obligations of his release, the board shall make a final order or discharge and issue a certificate of discharge to the prisoner.

Section 21. **Cases of Executive Clemency.**

Executive clemency, procedure.

The board shall investigate and report to the governor with respect to all cases of pardons, remissions of fines and forfeitures, and commutations of punishment after conviction and judgment for any offenses committed against the criminal laws of the state. A majority of the board shall advise, investigate, and approve each such case before the action of the governor shall be final. All applications for executive clemency shall be made to the board, which shall cause an investigation to be made of all the circumstances surrounding the crime for which the applicant was convicted, and as to the individual circumstances relating to social conditions of the applicant. If the board, or a majority thereof, approves such application for executive clemency, it shall advise the governor and recommend action to be taken.

Section 22. **Notice of Hearing Applications for Executive Clemency.**

Hearing on applications for executive clemency.

After the board has duly considered an application for executive clemency, and has by majority vote favored a recommendation of executive clemency to the governor, it must pass an order in substance as follows:

"Whereas, the board of pardons has officially received an application for executive clemency concerning .....
....., a convict confined in the state

HeinOnline -- 1955 318 1955

prison (or to one ....., who has been found guilty of an offense committed against the laws of the state), who was convicted of the crime of ..... committed at ....., in the county of ....., State of Montana, on the ..... day of ....., 19....., and sentenced for a term of ..... years.

"Therefore, be it ordered that ..... the ..... day of ....., 19....., be set apart for the consideration of said executive clemency matter; and all persons having an interest therein desiring to be heard either for or against the granting of the pardon (or commutation, remission of the fine or forfeiture) are hereby notified to be present at ..... o'clock of said day, at .....

"Further, ordered that a copy of this order be printed and published in the ..... (here insert name of some newspaper of general circulation in the county where the crime was committed) a daily (or weekly) newspaper printed and published at .... in the county of ....., once each week for two weeks beginning, ..., 19...., and ending ....."

Section 23. **Publication of Order.**

Publication of order for hearing.

The board must cause a copy of such order to be published in the newspaper therein designated, at least once a week for two weeks prior to the hearing, and at the same time cause to be deposited in the postoffice at the seat of government, postpaid, a copy of said order and notice addressed to the district judge, county attorney and sheriff, respectively, of the county where the crime was committed, and in like manner mail a copy of the order to the petitioner and the convict.

Section 24. **Proof of Publication.**

Proof of publication.

Prior to the time set for hearing, proof of the publication of notice must be made by the publisher or managing agent.

Section 25. **Record of Meeting, What to Contain.**

Record of hearing—contents.

At the hearing the board must cause to be kept a record showing:

1. The name of all persons appearing before the board on behalf of the person pardoned by the governor;

HeinOnline -- 1955 319 1955

2. The name of all persons appearing before the board in opposition to the granting of the same;

3. The testimony of all persons giving evidence before the board;

4. That the affidavit and return from the printer of the publication of the notice and order of hearing was on file prior to the hearing.

Section 26. **When Publication Not Necessary.**

No publication need be made as provided in sections 22, 23 and 24, in the following cases:

1. When there is imminent danger of the death of the person convicted or imprisoned.

2. When the term of imprisonment of the applicant is within ten (10) days of its expiration.

Section 27. **Decision to be Made.**

Written decision in 30 days.

Within thirty (30) days after the hearing of any case, the board must make a decision in writing, and if such decision be made to recommend executive clemency, the copy of the decision, together with all papers used in each case shall be immediately transmitted to the governor.

Section 28. **Governor May Respite.**

Governor may grant respite.

The governor has the power to grant respites after conviction and judgment, for any offenses committed against the criminal laws of the state, for such time as he thinks proper.

Section 29. **Governor to Report to Legislative Assembly.**

Report to legislative assembly.

The governor must communicate to the legislative assembly at each regular session, each case of remission of fine or forfeiture, reprieve, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of remission, commutation, pardon or reprieve, with the reason for granting the same, and the objection, if any, of any of the members of the board made thereto.

Section 30. **Cases of Juveniles Excluded.**

Juvenile cases excluded.

The provisions of this act shall not apply to probation in the juvenile courts or to parole from state institutions for juveniles.

HeinOnline -- 1955 320 1955

Repealing certain sections, 94-9801 through 94-9820, R.C.M., 1947.

Section 31. That sections 94-9801, 94-9802, 94-9803, 94-9804, 94-9805, 94-9806, 94-9807, 94-9808, 94-9809, 94-9810, 94-9811, 94-9812, 94-9813, 94-9814, 94-9815, 94-9816, 94-9817, 94-9818, 94-9819 and 94-9820, Revised Codes of Montana, 1947, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Saving clause.

Section 32. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Effective April 1, 1955, retrospective operation.

Section 33. This act shall be in full force and effect from and after April 1, 1955. The provisions of this act are hereby extended to all persons who, at the effective date hereof, may be on probation or parole, or eligible to be placed on probation or parole under existing laws, with the same force and effect as if this act had been in operation at the time such persons were placed on probation or parole or became eligible to be placed thereon as the case may be, provided that no person convicted and sentenced before the effective date hereof shall have his rights and earned good time reduced by the application of this act.

Approved March 3, 1955.

CHAPTER 154

An Act to Amend Section 3, Chapter 82, Laws of 1949, Providing for the Qualifications Necessary for Veterans to be Eligible for Admittance to the Soldiers' Home of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 3, chapter 82, laws of 1949, be, and the same is hereby amended to read as follows:

Eligibility requirements, admission to soldiers' home.

Extended to air force and national emergencies.

"Section 3. Any soldier, sailor, marine, *or airman* who served in the army, navy, *or air force* of the United States during *time of war or declared national emergency,* or who while a citizen of the United States, served in the army or navy or other branch of the military establishment of

HeinOnline -- 1955 321 1955

any of the allies of the United States and has returned to and lives in Montana, or during any troubles arising or growing out of any such war or wars, and has received honorable discharge therefrom, who at the time of admission is an invalid by reason of disease contracted, wounds received, old age, or by reason of other disability, and who has become unable to earn a livelihood by reason thereof, shall be eligible to admission to the benefits of the home under the rules and regulations prescribed by the board of managers thereof, and be provided with agricultural facilities under competent management, on the certificate of disability by a county commissioner and the county physician of the county in which the applicant may reside; and the transportation of such applicant to said soldiers' home shall be a proper county charge, and be paid by said county if the applicant is unable to pay the same; provided, that the benefits of said home shall not be extended to anyone who has not resided within the State of Montana for a period of one (1) year next preceding the date of his application, or to anyone who has not resided within the county from which he asks to be sent to the home for the period of three (3) months from the date of his application, nor to anyone convicted of a felony or of a crime involving moral turpitude, nor shall anyone who has been an habitual drunkard be received without sufficient evidence of subsequent good conduct and reformation of character as may be satisfactory to said board of managers."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 155

An Act to Amend Section 79-1002, Revised Codes of Montana, 1947, as Amended by Section 7, Chapter 194, Session Laws of 1951, Providing That If Any State Department, Institution or Agency Requiring an Annual Appropriation Shall Fail to Present Such Request Within the Time Allowed by Law, the State Controller Shall

HeinOnline -- 1955 322 1955

Prepare a Budget Request on Behalf of Such Department, Institution or Agency; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 79-1002, Revised Codes of Montana, 1947, as amended by section 7, chapter 194, session laws of 1951, shall be, and the same is hereby amended to read as follows:

Request for annual appropriation.

"79-1002. **Request for Annual Appropriation.** Each department of the state government, and all state institutions and agencies requiring an annual appropriation from the state, shall present a request therefor to the controller on or before the first day of September of each year preceding a regular session of the legislative assembly. *If any department, institution or agency shall fail to present such request within the time herein specified, the controller shall note that fact in the revised and final budget submitted to the legislative assembly, and he shall prepare a budget request on behalf of such department, institution or agency, based upon his studies of the operations, plans and needs thereof.*"

Controller's duties where request not made.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 156

An Act to Amend Section 10, Chapter 219 of the Laws of 1951, Relating to the Enforcement of the Provisions of Said Act Relative to the Examination and Inspection of Trucks, Trailers and Semitrailers, Busses, or Automobiles Operating Upon the Highways in This State, and Providing by Whom Said Act Shall be Enforced; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 10 of chapter 219, laws of 1951, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 323 1955

Duty of highway patrol to enforce act including any other employee designated.

"Section 10. It shall be the duty of the Montana state highway patrol *and any designated and duly appointed employee of the state highway commission* to enforce the provisions of this act and each member thereof is hereby instructed to make examinations and inspection of trucks, trailers and semitrailers, busses, or automobiles operating upon the highways in this state, to ascertain whether or not the provisions of this law have been complied with."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 157

An Act to Amend Subsection 15 of Section 26-104 of the Revised Codes of Montana, 1947, as Amended by Chapter 40 of the Session Laws of 1951, Said Subsection Relating to the Power and Authority of the Commission to Fix Seasons and Bag Limits, Open or Close, Shorten or Lengthen Seasons; and to Repeal Chapter 20 of the Session Laws of 1953 Relating to Special Permits for the Killing of Game Animals When Increasing in Numbers; Repealing Chapter 20 of the Session Laws of 1953 and All Other Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That subsection 15 of section 26-104 of the Revised Codes of Montana, 1947, as amended by chapter 40 of the session laws of 1951, be amended to read as follows:

Commission authority to fix seasons and limits.

Adding bow and arrow deer season.

"Subsection 15. It shall have authority to fix seasons and bag limits, open or close, shorten or lengthen seasons on any species of game, bird, fish or fur-bearing animal *as defined by section 26-201 of this code, and to declare areas open to the hunting of deer by bow and arrow permit holders, and during times when only bow and arrows may be used, to hunt deer in such areas; it is authorized to declare areas open to deer hunting where shotguns only*

HeinOnline -- 1955 324 1955

may be used to hunt or kill deer; and it is authorized to declare areas which may be open to special license holders only, and issue special licenses in a limited number when it shall determine, after proper investigation, that such a season is necessary to assure the maintenance of an adequate supply of game animals, or to declare such a special season and issue special licenses whenever game animals are causing damage to private property, or when written complaint of such damage has been filed with the state fish and game commission by the owner of such property, and in determining to whom such licenses shall be issued, it may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system.''

Repealing clause.

Section 2. That chapter 20 of the session laws of 1953, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 158

An Act to Amend Section 26-307 of the Revised Codes of Montana, 1947, Relating to the Open Season for Elk and the Waste of Meat, and Adding a Provision Thereto Making It Unlawful for Any Person to Kill More Than One Game Animal of Any One Species in Any One License Year, Unless the Killing of More Than One Game Animal of Any One Species Has Been Authorized Under the Law or Under the Rules and Regulations of the State Fish and Game Commission; and Repealing Section 26-309 of the Revised Codes of Montana, 1947, Relating to Taking More Than One Elk and Waste of Meat, Section 26-310 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-312 of the Revised Codes of Montana, 1947, Relating to Taking More Than One Elk and Wasting Meat, Section 26-313 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-314 of the Revised Codes of Montana, 1947, Relating to the Open Season on Deer and Wasting Meat, Section 26-318 of the Revised Codes of Montana, 1947, Relating to

HeinOnline -- 1955 325 1955

Closed Season for Rocky Mountain Sheep and Goats, Section 26-341 of the Revised Codes of Montana, 1947, Relating to Killing Game for Head, Hide, Antlers, Tusks or Teeth, Wasting of Game Fish or Birds, and Section 26-342 of the Revised Codes of Montana, 1947, Relating to Failure to Dress Game.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-307 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 26-307. *Waste of Fish or Game — Hunting or Fishing During Closed Season — Killing More Than One Game Animal — Exceptions.*

Waste of game meat unlawful.

"(1) *It shall be unlawful and a misdemeanor for any person responsible for the death of any game animal of this state, excepting grizzly bear, to detach or remove from the carcass only the head, hide, antlers, tusks or teeth, or any or all of aforesaid parts, or to waste any part of any game animal, game bird, or game fish suitable for food, or to abandon the carcass of any game animal in the field, except grizzly bear.*

Unauthorized killing more than one animal unlawful.

"(2) It shall be unlawful and a misdemeanor for any person *to kill more than one game animal of any one species, in any one license year, unless the killing of more than one game animal of such species has been authorized by regulations of the fish and game commission.*

Closed season hunting unlawful.

"(3) It shall be unlawful and a misdemeanor for any person during the closed season on any species of game animal, game bird or fish to take, hunt, shoot, kill or capture any such game animal or such game bird or to fish for or catch any such fish."

Penalty.

Section 2. **Penalty.** Any person violating any of the provisions of this section or any of the orders of the state fish and game commission shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 26-324 of the Revised Codes of Montana, 1947, as amended.

Repealing 26-309, 26-310, 26-312, 26-313, 26-314, 26-318, 26-341, 26-342, R.C.M., 1947.

Section 3. **Repeal.** That section 26-309, section 26-310, section 26-312, section 26-313, section 26-314, section 26-318, section 26-341, section 26-342 of the Revised Codes

HeinOnline -- 1955 326 1955

of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed. General repeal. clause.

Approved March 3, 1955.

CHAPTER 159

An Act to Amend Section 26-324 of the Revised Codes of Montana, 1947, Relating to Penalties for Violating the Fish and Game Laws of the State, or Orders, Rules and Regulations of the Fish and Game Commission Made Pursuant to the Authority Given the Fish and Game Commission Under the Law; and Repealing Section 26-130 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-304 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-340 of the Revised Codes of Montana, 1947, Relating to the Killing of Moose, Bison, Buffalo, Caribou or Antelope and Penalty, Section 26-343 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-505 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-807 of the Revised Codes of Montana, 1947, Relating to Penalty, and Section 26-810 of the Revised Codes of Montana, 1947, Relating to Penalty; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 26-324 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"Section 26-324. **Penalty.** Any person violating any provision of any statute of the State of Montana pertaining to fish and game, including the provisions of section 26-101 to 26-1306 *of the Revised Codes of Montana, 1947,* and all acts amendatory thereof, or *supplementary* thereto, *or the orders, rules and regulations of the fish and game commission made pursuant to the authority given it under the law,* shall, unless a different punishment is expressly provided by law for such violation, be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars, ($500.00), *or by imprisonment in the county jail for not more than six (6) months, or by* Penalty for violation of fish and game laws, rules or regulations. Adding imprisonment.

HeinOnline -- 1955 327 1955

both such fine and imprisonment, and in addition thereto such person shall, in the discretion of the court, forfeit his license and privilege to hunt, fish or trap within this state for a period of sixteen (16) months from the date of his or her conviction; or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, *and* in addition thereto such person shall in the discretion of the court, forfeit his license *and privilege* to hunt, fish or trap within this state for a period of *sixteen (16) months* from the date of his *or her* conviction.''

Forfeiture of license.

Repealing certain sections.

Section 2. That section 26-130 of the Revised Codes of Montana, 1947, section 26-304 of the Revised Codes of Montana, 1947, section 26-340 of the Revised Codes of Montana, 1947, section 26-343 of the Revised Codes of Montana, 1947, section 26-505 of the Revised Codes of Montana, 1947, section 26-807 of the Revised Codes of Montana, 1947, section 26-810 of the Revised Codes of Montana, 1947, *are hereby repealed.*

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 160

An Act to Amend Section 75-2707, Revised Codes of Montana, 1947, as Amended by Chapter 28, Laws of 1949, and as Last Amended by Chapter 216, Laws of 1953, by Providing for the Payment to the Named Beneficiary of a Deceased Member of the Teachers' Retirement System the Sum of Fifty Dollars ($50.00) Per Month for Each Child of Said Deceased Member Under the Age of Eighteen (18) Years If the Named Beneficiary Is the Surviving Spouse of the Deceased Member and the Deceased Member Was Actively Engaged as a Teacher Within One (1) Year Prior to His Death, and Provided Further That Such Payments Shall Not Exceed in Any One Month the Sum of One Hundred Dollars ($100.00); and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 328 1955

Amending clause.

Section 1. That section 75-2707, Revised Codes of Montana, 1947, as amended by chapter 28, laws of 1949, and as last amended by chapter 216, laws of 1953, be, and the same is hereby amended to read as follows:

Superannuation benefit.

"75-2707. **Benefits.** (1) Superannuation retirement benefit. (a) Any member who has completed ten (10) years of creditable service, the last ten (10) years of which shall have been in this state, and who has attained the age of sixty may retire from service, if he files with the retirement board his written application setting forth the fact of his retirement.

Compulsory retirement.

"(b) That from and after the passage and approval of this act, any member in service who has attained the age of seventy (70) years, during any school year shall be retired by said retirement board on the first day of September following his or her seventieth birthday.

Allowance on superannuation retirement.

"(2) Allowance on superannuation retirement. Upon superannuation retirement a member shall receive a superannuation retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and

(b) A pension of one-quarter of his average final compensation provided his creditable service is at least thirty-five (35) years, otherwise, a pension of one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of his creditable service, and

(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of service certified to him on his prior service certificate.

(d) The minimum annual retirement allowance for a member who has completed thirty (30) years' service and who retired after September 1, 1937, and before June 30, 1949, shall be six hundred dollars ($600), and the minimum retirement allowance for a member who retired after September 1, 1937, and before June 30, 1949, but whose service is less than thirty (30) years shall receive a minimum retirement allowance based on the proportionate amount of

HeinOnline -- 1955 329 1955

six hundred dollars ($600) that his service bears to thirty (30) years of service.

(e) The minimum annual retirement allowance for a member who has completed thirty-five (35) years of service and who has attained the age of sixty-five and who retires after June 30, 1949, shall be six hundred dollars ($600).

(f) In the event a member retired on a superannuation allowance has not received more than three (3) retirement payments prior to death, the beneficiary of the member shall receive a refund of the difference between the total paid and the amount of the accumulated contributions.

Disability retirement benefit.

"(3) Disability retirement benefit. Upon the application of a member in service or of his employer, any member who has had ten (10) or more years of creditable service in the State of Montana may be retired by the retirement board not less than thirty (30) and not more than ninety (90) days next following the date of filing such application on a disability retirement allowance, provided that the medical board after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

Retroactivity.

"If the applicant for disability retirement was prevented because of the disability from making application at the time of the time of the commencement of disability, the retirement board shall grant the disability retirement upon the proper application for disability retirement allowance and make payments retroactive to the thirtieth day after the date of commencement of the disability.

Allowance on disability retirement.

"(4) Allowance on disability retirement. Upon retirement for disability a member shall receive a superannuation allowance if he is eligible for a superannuation allowance; otherwise he shall receive a disability retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement, and

(b) A pension which, together with his annuity, shall provide a total retirement allowance equal to ninety per centum (90%) of one-seventieth (1/70) of his average

HeinOnline -- 1955 330 1955

final compensation multiplied by the number of years of his creditable service, if such retirement allowance exceeds one-quarter (¼) of his average final compensation; otherwise, a pension which, together with his annuity, shall provide a total retirement allowance equal to one-quarter (¼) of his average final compensation, provided, however, that no such allowance shall exceed ninety per centum (90%) of one-seventieth (1/70) of his average final compensation multiplied by the number of years which would be creditable to him were his service to continue until the attainment of the minimum age for superannuation retirement.

(c) In the event payments made to a person retired because of disability do not equal the amount of his accumulated contributions prior to his death the difference between the amount paid and the total of the accumulated savings account of said member shall be paid to the beneficiary.

Re-examination of disability beneficiary.

"(5) Re-examination of beneficiaries retired on account of disability. Once each year during the first five (5) years following the retirement of a member on disability retirement allowance, and once in every three-year period thereafter the retirement board may, and upon his application shall, require a disability beneficiary who has not yet attained the age of sixty to undergo a medical examination by the medical board or a physician or physicians designated by the medical board, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not yet attained the age of sixty refuse to submit to at least one (1) medical examination in any year by the medical board, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year, all his rights in and to his pension may be revoked by the retirement board.

Reduction by amount earnable.

"(6) Should the medical board report and certify to the retirement board that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the retirement board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation.

HeinOnline -- 1955 331 1955

Should his earning capacity be later changed the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which when added to the amount earnable by the beneficiary, together with his annuity equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system while receiving a reduced benefit.

Cessation on restoration to active duty.

"(7) Should a disability beneficiary under age sixty be restored to active service at a compensation not less than his average final compensation his retirement allowance shall cease; he shall again become a member of the retirement system and contribute thereto. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect and in addition upon his subsequent retirement he shall be credited with all his service as a member, and should he be restored to active service on or after the attainment of the age of fifty-five (55) years, his pension upon subsequent retirement shall not exceed the pension that he would have received had he remained in service during the period of his previous retirement nor the sum of the pension which he was receiving immediately prior to his last restoration to service and the pension that he would have received on account of his service since his last restoration had he entered service at that time as a new entrant.

Contributions returnable on withdrawal from service,

"(8) (a) A member who withdraws from service or ceases to be a teacher for any cause other than death or retirement shall be paid only the amount contributed by the member to his annuity savings account after first deducting any unpaid annual membership fees of said member.

or death prior to retirement.

"(b) Should a member die before retirement only the amount of the member's contributions to his annuity savings fund account after deducting any unpaid annual membership fees shall be paid to his estate or such person as he shall have nominated by written designation duly executed and filed with the retirement board.

HeinOnline -- 1955 332 1955

"(c) In lieu of benefits provided in (b) above, if the deceased member had qualified by reason of service for a retirement benefit, the beneficiary nominated by the deceased member may elect to receive a monthly life annuity. Said monthly life annuity to be based on the beneficiary's attained age at the time of the deceased member's death and to be calculated from an amount equal to the required reserve for the deceased member's creditable service, together with the deceased member's accumulated contributions."

Election of nominated beneficiary.

If the beneficiary so electing be the surviving spouse of the deceased member, such beneficiary shall receive, in addition to the monthly annuity, provided the deceased member was actively engaged as a teacher in the State of Montana within one (1) year prior to his death, the sum of fifty dollars ($50.00) per month for each child from the pension accumulation fund for the support of the minor child or children of the deceased member until such child or children reach his or their eighteenth birthday, but such payments shall not exceed in any one (1) month the sum of one hundred dollars ($100.00).

Additional benefit if spouse is beneficiary in certain cases.

Limitation.

"(9) Optional benefits. With the provision that no optional selection shall be effective in case a beneficiary dies within thirty (30) days after retirement, and that such a beneficiary shall be considered as an active member at the time of his death; until the first payment on account of any benefit becomes normally due, any member may elect to receive his benefit in a retirement or disability allowance payable throughout life as hereinabove provided, or he may on retirement elect to receive the actuarial equivalent at that time of his retirement or disability allowance in a lesser retirement allowance payable throughout life with the provision that:

Optional benefits—members election.

Option 1. If he dies before he has received in payment of his annuity the amount of his accumulated contributions as they were at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board; or

Balance paid to legal representative or nominee.

Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation

Reduced allowance payable to nominee.

HeinOnline -- 1955 333 1955

duly acknowledged and filed with the retirement board at the time of his retirement; or

One-half to nominee.

Option 3. Upon his death, one-half (½) of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement; or

Other benefits.

Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement, provided such other benefit or benefits, together with the lesser retirement allowance shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the retirement board."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 161

An Act Relating to Rentals to be Paid for State Oil and Gas Leases Hereafter Made, Fixing the Annual Rentals at One Dollar ($1.00) Per Acre, Except That the Rental for the First Year Shall Also Include Any Additional Sum Offered and Accepted Therefor; Fixing the Filing Fee for State Oil and Gas Leases at Five Dollars ($5.00) and Providing That the Filing Fee, First Year's Rental and Consideration for the Lease Shall be Paid Before the Issue of the Lease; Providing That the State Board of Land Commissioners May Terminate Such Lease at the End of the Second Year or Any Subsequent Year Upon Failure of the Lessee to Drill a Well or to Pay a Delay Drilling Penalty and Providing for the Amount of Such Delay Drilling Penalty and Making Further Provision for the Drilling of Wells and the Payment of Such Penalties; and Providing That Sections 81-1703 and 81-1706 of the Revised Codes of Montana, 1947, Shall Not Apply to State Leases Hereafter Made; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Effective Date of This Act.

HeinOnline -- 1955 334 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Annual money rentals.

Section 1. **Rentals — Filing Fee — Contiguity.** The annual money rentals to be paid to the state for oil and gas leases hereafter made under the provisions of chapter 17 of title 81, Revised Codes of Montana, 1947, and acts amendatory thereto, shall be one dollar ($1.00) for each acre of land leased, except that in addition to said sum of one dollar ($1.00) per acre, the rental for the first year of the lease shall also include any sum in excess of one dollar ($1.00) per acre offered and accepted for such first year's rental; provided, however, that such rental shall in no case be less than fifty dollars ($50.00) per annum.

Filing fee.

A filing fee of five dollars ($5.00) for each oil and gas lease issued and a fee in the same amount for each assignment shall be paid to the commissioner of state lands and investments. Such filing fee and the first year's rental, shall be paid before the issue of the lease. The rentals for each subsequent year of the lease shall be due and payable thirty (30) days before the beginning of such subsequent year, and upon failure to make such payment such lease shall terminate.

Contiguity required.

The lands shall be leased in as compact bodies as the form and areas of the tracts held by the state and offered for lease will permit. No lease shall embrace non-contiguous subdivisions of lands unless such subdivisions shall be within an area comprising not more than one (1) square mile.

Exception. New leases must wait 30 days, except where assignment.

In all cases where an oil and gas lease hereafter issued shall be surrendered for cancellation before its expiration, relinquished to the state, or cancelled through proceedings on the part of the state, no new lease on the lands under such lease shall be issued within thirty (30) days from the date of cancellation or relinquishing. This restriction shall not apply however in cases of bona fide assignment.

Section 2. In each and every oil and gas lease hereafter granted by the state under chapter 17 of title 81 of the Revised Codes of Montana, 1947, and acts amendatory thereto, there shall be reserved unto the state board of land commissioners full power and authority to declare termination of the lease at the end of the second year or any subsequent year of the primary term of the lease upon failure of lessee to either (a) commence the drilling of a

Cancellation clause in lease.

HeinOnline -- 1955 335 1955

Delay drilling rental fixed at $1.00 till fifth year.

Board discretion after sixth year.

Drilling requirement.

well for oil and gas upon the leased premises or (b) pay a delay drilling penalty as follows: for the third and fourth years of such lease the sum of one dollar ($1.00) per acre per year, for the fifth and sixth years of such lease one dollar and twenty-five cents ($1.25) per acre per year, and for the remainder of the primary term of the lease such amount per acre per year as said board may, in its discretion, determine; notice of such determination shall be given to the lessee, and if the lessee shall apply for a hearing thereon within ten (10) days after receipt of such notice, the determination shall become final only after such hearing has been held; such annual delay drilling penalty to be paid each year in advance; provided that if a well for oil and gas is commenced, the drilling of such well shall be prosecuted with due diligence and dispatch to such depth as is necessary to make a reasonable test for oil or gas; provided, further, that should the first well drilled be a dry hole, then, and in that event, if a second well is not commenced on the land covered by the lease on or before the next anniversary of the lease following the completion of said well said lease may be terminated by the state board of land commissioners unless the lessee, on or before such anniversary, shall resume the payments of penalties in the amounts hereinabove provided; and upon the resumption of the payment of such delay drilling penalties and their continued payment, said lease shall continue in force during the primary term thereof, as though there had been no interruption in said delay drilling penalty payments.

Sections 81-1703 and 81-1706 inapplicable in future.

Section 3. The provisions of section 81-1703 and 81-1706 of the Revised Codes of Montana, 1947, shall not apply to leases hereafter issued.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 162

An Act Imposing a Tax Upon the Use, Receipt, Delivery or Placing Into the Fuel Supply Tanks of Motor Ve-

HeinOnline -- 1955 336 1955

hicles Which Are Within This State, of Special Fuels as Defined Herein; Providing for the Payment of Such Tax to the State Board of Equalization; Requiring a License for Special Fuel Dealers and a License and Permit for Special Fuel Users as Defined in This Act; Providing Methods for the Assessment, Collection and Disposition of Such Tax, and for the Keeping of Records; Providing the Procedure for Credits; Providing That This Act May be Cited as the "Special Fuel Tax Act"; Defining Terms; Providing for Monthly Returns and Payments; Providing for Judicial Review and Appeals; Providing for the Severability of the Provisions of This Act; Providing for the Administration of This Act and for Violations and Penalties; and Repealing Sections 84-1824, 84-1825, 84-1826, and 84-1827, Revised Codes of Montana, 1947, and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Act, how cited.

Section 1. **Title.** This act may be cited as the "special fuel tax act."

Terms defined.

Section 2. **Definitions.** As used in this act, the following definitions shall apply:

"Person."

(a) "Person" means and includes any person, firm, association, joint stock company, syndicate, copartnership, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment or both, as applied to a firm, association, syndicate, or copartnership, means and includes the partners or members thereof, and as applied to joint stock companies and corporations, the officers thereof.

"Board."

(b) "Board" means the state board of equalization of the State of Montana.

"Highway."

(c) "Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

"Motor vehicle."

(d) "Motor vehicle" means any vehicle which is self-propelled upon the highways.

HeinOnline -- 1955 337 1955

"Special fuel." (e) "Special fuel" means and includes all combustible gases and liquids, including liquid petroleum gases, suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor fuel as defined in section 84-1801 (1) (a), Revised Codes of Montana, 1947, and any amendments thereto.

"Use." (f) "Use" means either the receipt, delivery or placing of special fuels by a special fuel dealer into the fuel supply tank or tanks of any motor vehicle not owned or controlled by him, while such vehicle is within this state, or the consumption by a special fuel user of special fuels in propulsion of a motor vehicle on the highways of this state.

"Special fuel dealer." (g) "Special fuel dealer" means any person in the business of handling special fuel who delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

"Special fuel user." (h) "Special fuel user" means any person who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

"Bond." (i) "Bond" means: (1) a bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the laws of Montana, which bond shall be payable to the State of Montana conditioned upon faithful performance of all requirements of this act, including the payment of all taxes, penalties and other obligations of such special fuel dealer or special fuel user arising out of this act; or (2) a deposit with the state treasurer by the special fuel dealer or special fuel user under such terms and conditions as the board may prescribe of a like amount of lawful money of the United States or bonds or other obligations of the United States or the State of Montana or of any county thereof, of an actual market value not less than the amount so fixed by the board.

Tax imposed. Section 3. **Tax Imposed.** There is hereby levied and imposed a tax on the use of each and every gallon of special fuel in any motor vehicle while operated upon the highways, equivalent to the lawful tax levied on motor fuel

HeinOnline -- 1955 338 1955

under section 84-1813, or on liquid petroleum gases under section 84-1802, Revised Codes of Montana, 1947, and any amendments thereto. Said tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such special fuel dealer from the special fuel user and shall be paid over to the board as hereinafter provided. Said tax, with respect to special fuel acquired by any special fuel user in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle, shall attach at the time of the consumption of such fuel in the propulsion of a motor vehicle upon the highways of the state and shall be paid over to the board by the special fuel user as hereinafter provided.

Special fuel dealers, users licenses.

Section 4. **Special Fuel Dealers' and Special Fuel Users' Licenses and Special Fuel Vehicle Permits. (a)** Required: It shall be unlawful for any person to act as a special fuel dealer in this state unless such person is the holder of an uncancelled fuel dealers' license issued to him by the board. Except for special fuel which is delivered by a special fuel dealer into a fuel supply tank of any motor vehicle in this state, it shall be unlawful for any person to consume special fuel for the propulsion of a motor vehicle upon the highways of this state unless such person is the holder of an uncancelled fuel user's license issued to him by the board.

Every special fuel user shall obtain prior to the use of special fuel for the propulsion of a motor vehicle or vehicles in this state, a special fuel vehicle permit for such vehicle or vehicles operated by him upon the highways as herein defined.

License, application.

(b) Application: Application for a special fuel dealer's license, a special fuel user's license, or a special fuel vehicle permit shall be made to the board.

Form.

(c) Form of application: The application shall be filed upon a form prepared and furnished by the board. The application shall contain such information as the board deems necessary.

Bond required.

(d) Bond: No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in section 2 (i) and in such form as the board may require

HeinOnline -- 1955 339 1955

to secure its compliance with this act, and the payment of any and all taxes, interest and penalties due and to become due hereunder.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice his estimated monthly tax payments as hereinafter provided, determined in such manner as said board may deem proper; provided, however, that the total amount of the bond or bonds shall never be less than five hundred dollars ($500.00).

Issuance of license.

(e) Issuance: Upon receipt of the application and bond in proper form, the board shall issue to the applicant a license to act as a special fuel dealer or special fuel user or a special fuel vehicle permit; provided, however, the board may refuse to issue a special fuel dealer's license, a special fuel user's license or a special fuel vehicle permit to any person: (1) who formerly held either type of license or permit which, prior to the time of filing application has been revoked for cause; or (2) who is not the real party in interest and where the license or permit of the real party in interest has been revoked for cause prior to the time of filing such applicaiton; or (3) upon other sufficient cause being shown. Before such refusal, the board shall grant the applicant a hearing and shall grant him at least ten (10) days' written notice of the time and place thereof.

Proviso.

License expiration.

(f) Expiration of license or permit: Each special fuel dealer's license, special fuel user's license and special fuel vehicle permit shall be valid until suspended or revoked for cause or otherwise cancelled.

Non-assignable.

(g) Assignment forbidden: No special fuel dealer's license, special fuel user's license or special fuel vehicle permit shall be transferable.

License revocation, hearing.

(h) Revocation, cancellation and surrender of license, permit and bond: The board may revoke the license of any special fuel dealer or special fuel user or a special fuel vehicle permit for reasonable cause. Before revoking such license or permit, the board shall notify the licensee or permittee to show cause within thirty (30) days of the date of the notice why the license or permit should not be revoked; provided, however, that at any time prior to and

HeinOnline -- 1955 340 1955

pending such hearing the board may, in the exercise of reasonable discretion, suspend such license or permit. Surrender, cancellation.

The board shall cancel any license to act as a special fuel dealer or a special fuel user or any special fuel vehicle permit immediately upon surrender thereof by the holder.

(i) Release of surety: Any surety on a bond furnished by a special fuel dealer or special fuel user as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty (30) days from the date upon which such surety shall have lodged with the board a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty (30) day period. The board shall promptly upon receiving any such request, notify the special fuel dealer or special fuel user who furnished the bond, and unless the special fuel dealer or special fuel user shall, on or before the expiration of the thirty (30) day period, file a new bond, in accordance with the requirements of this section, or make a deposit in lieu thereof as provided in section 2 (i), the board forthwith shall cancel the special fuel dealer's or special fuel user's license. Release of surety. Preservation of accrued obligations.

(j) Additional bond or deposit: The board may require a special fuel dealer or special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in section 2 (i), if, in his opinion, the security of the surety bond therefor filed by such special fuel dealer or special fuel user, or the market value of the properties deposited as security by such special fuel dealer or special fuel user, shall become impaired or inadequate; and upon failure of the special fuel dealer or special fuel user to give such new additional surety bond or to deposit additional securities within thirty (30) days after being requested so to do by the board, said board forthwith shall cancel his license. Board may require additional bond or deposit.

Section 5. **Special Fuel Dealers' and Special Fuel Users' Records.** (a) Preparation of records: Every special fuel dealer, special fuel user and every person importing, manufacturing, refining, dealing in, transporting or storing, special fuel in this state shall keep such records, receipts and invoices and other pertinent papers, with respect there- Records to be kept by licensees.

HeinOnline -- 1955 341 1955

to as the board may require. The records, receipts, invoices and other pertinent papers shall be available at all times during the business hours of the day, to the board.

Records to be retained five years.

(b) Retention of records: Said records, receipts, invoices and other pertinent papers shall be required to be kept for a period of at least five (5) years from the date of which the return to which they relate was required to have been made.

Monthly tax return.

Section 6. **Monthly Returns and Payments.** (a) Returns: For the purpose of determining the amount of his liability for the tax herein imposed, each special fuel dealer and each special fuel user shall file with the board, on forms prescribed by said board, a monthly tax return. Such return shall contain a declaration by the person making the same, to the effect that the statements contained are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification. The

Contents of return.

return shall show such information as the board may reasonably require for the proper administration and enforcement of this act; provided, however, that if a special fuel dealer or user is also a wholesale distributor of special fuel at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the monthly return to the board need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer or special fuel user shall file the return on or before the twenty-fifth day of the next succeeding calendar month following the monthly period to which it relates; provided, however, that for good cause the board may grant a taxpayer a reasonable extension of time for filing, but not to exceed thirty (30) days.

If the final filing date falls on a Saturday, Sunday or legal holiday, the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown as received by the board.

Computation of tax.

(b) Computation: The tax imposed by this act shall be computed as follows: (1) with respect to special fuel used by the seller thereof as a special fuel dealer, by multiplying the tax rate per gallon provided in this act by the number

HeinOnline -- 1955 342 1955

of gallons of special fuel delivered or placed by him into the supply tank or tanks of a motor vehicle, (2) with respect to special fuel as to which the tax has not been paid to a special fuel dealer in this state and which has been consumed by the purchaser thereof as a special fuel user, by multiplying the tax rate per gallon provided in this act by the number of gallons of special fuel consumed by him in the propulsion of motor vehicles on the highways of this state.

Payments.

(c) Payments: The monthly tax return shall be accompanied by remittance covering the tax due hereunder on account of the use as defined in 2 (f) of special fuels during the preceding month.

Penalty for failure to file or pay.

(d) Refusal or failure to file return or pay tax when due: In case of any special fuel dealer or special fuel user who refuses or fails to file a return required by this act within the time prescribed by subsection (a) of this section, there is hereby imposed a penalty of one hundred dollars ($100.00) or a sum equal to twenty-five percent (25%) of the tax due, whichever is greater, together with interest at the rate of one percent (1%) on the tax due, for each calendar month or fraction thereof during which such refusal or failure continues; provided, however, that if any such special fuel dealer or special fuel user shall establish to the satisfaction of the board that his failure to file a return within the time prescribed was due to reasonable cause, the board shall waive the penalty provided by this subsection.

Failure to pay tax—penalty.

(e) Failure to pay tax: Where a special fuel dealer or a special fuel user files a return, but fails to pay in whole or in part the tax due hereunder, there shall be added to the amount due and unpaid, interest at the rate of one percent (1%) per month or fraction thereof, from the date such tax was due to the date of payment in full thereof.

Where deficiency found—penalty.

(f) Deficiency: If it be determined by the board that the tax reported by any special fuel dealer or special fuel user is deficient, it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency interest at the rate of one percent (1%) per month or fraction thereof from the date the return was due.

HeinOnline -- 1955 343 1955

Board to make determination if no return made.

(g) Determination if no return made: If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax return when due, the board shall, on the basis of information available, to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no return was filed, and to the tax as thus determined, the board shall add the penalty and interest provided in subsection (d) above.

Penalty.

Presumption assessment correct.

An assessment made by the board pursuant to this subsection or to subsection (f) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

Fraudulent return— penalty.

(h) Fraudulent return: If any special fuel dealer or special fuel user shall file a false or fraudulent return with intent to evade the tax imposed by this act, there shall be added to the amount of deficiency determined by the board a penalty equal to twenty-five percent (25%) of the deficiency together with interest at one percent (1%) per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to all other penalties prescribed by law.

Period of limitation.

(i) Limitation: Except in the case of a fraudulent return or of neglect, or refusal to make a return, every deficiency shall be assessed under subsection (f) above within five (5) years after the twenty-fifth day of the next succeeding calendar month following the monthly period for which the amount is proposed to be determined or within five (5) years after the return is filed, which ever period expires the later.

Credit for use outside of state.

Section 7. **Credits.** Any person who has paid a special fuel tax either directly or to the vendor from whom it was purchased, shall receive credit in the amount of any tax paid on special fuel exported for use outside of this state. Special fuel carried from this state in the fuel tank of a motor vehicle is deemed to be exported from this state.

Procedure for credits.

Section 8. **Procedures for Credits.** Any amount determined to be creditable by the board under section 7 of

HeinOnline -- 1955 344 1955

this act shall first be credited on any amounts then due and payable from the special fuel dealer or special fuel user to whom the refund is due, and the board shall then certify the balance to the credit of the dealer or user.

Administration, rules and regulations.

Section 9. **Administration.** (a) Rules and regulations: The board shall enforce the provisions of this act, and may prescribe, adopt and enforce reasonable rules and regulations relating to the administration and enforcement thereof.

Examination of records.

(b) Examination of records: The board or its authorized representative is hereby empowered to examine the books, papers, records and equipment of any special fuel dealer or special fuel user or any person dealing in, transporting, or storing special fuel as defined in this act and to investigate the character of the disposition which any person makes of such special fuel in order to ascertain and determine whether all excise taxes due hereunder are being properly reported and paid. If such books, papers, records and equipment are not maintained in this state at the time of demand, they shall be furnished to the board for review or such dealer or user shall bear the reasonable cost of examination by an agent authorized or designated by the board at the place where such books or records are kept provided the taxpayer shall not be liable for such costs for a period exceeding one (1) week or for such longer period as he may consent to in writing, unless the result of said examination is the payment of a tax deficiency.

Placing fuel in receptacles prima facie evidence of taxability.

(c) Evidence: For the purpose of enforcing the provisions of this act, the fact that a special fuel dealer or a special fuel user has placed or received special fuel into storage or dispensing equipment designed to fuel motor vehicles shall be prima facie evidence that all of such special fuel has been delivered by the special fuel dealer or special fuel user into the fuel supply tanks of motor vehicles and consumed in the propulsion of motor vehicles upon the highways as herein defined unless the contrary shall be established by satisfactory evidence.

Cooperation with other governments.

(d) Reciprocal exchange of data: The board shall, upon request from officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces of the Dominion of Canada,

HeinOnline -- 1955 345 1955

forward to such officials any information which it may have relative to the receipt, storage, delivery, sale, use or other disposition of special fuel by any special fuel dealer or special fuel user, provided such other state or states furnish like information to this state.

Acts forbidden.

Section 10. **Violations and Penalties.** (a) Acts forbidden: It shall be unlawful for any person to:

(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this act in the manner or within the time required;

(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this act;

(3) Conduct any activities requiring a license under this act without a license or after a license has been surrendered, cancelled or revoked;

(4) Fail to keep and maintain the books and records required by this act.

Penalties.

(b) Penalties and remedies: Any person violating any provision of this section is guilty of a misdemeanor, unless the act is by any other law of this state declared to be a felony, and upon conviction is punishable by a fine of not less than one hundred dollars ($100.00) nor more than two thousand dollars ($2,000.00), or by imprisonment for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Penalties cumulative.

(c) Penalties are cumulative: The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this act.

Funds to state highway fund.

Section 11. **Disposition of Funds**: All taxes, interest and penalties collected under this act shall be turned over promptly to the state treasurer and the state treasurer shall place the same to the credit of the state highway fund.

Judicial review—appeals.

Section 12. **Judicial Review and Appeals**: Any determination of the board hereunder may be reviewed by the district court of Lewis and Clark county, and an appeal may be taken from the judgment of said district court to the supreme court.

HeinOnline -- 1955 346 1955

Saving clause.

Section 13. **Severability**: If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

Repealing 84-1824 through 84-1827, R.C.M., 1947.

Section 14. **Repeal.** Sections 84-1824, 84-1825, 84-1826, 84-1827, Revised Codes of Montana, 1947, and all other acts and parts of acts in conflict herewith are hereby repealed.

Effective June 30, 1955.

Section 15. This act shall be in full force and effect from and after June 30, 1955.

Approved March 3, 1955.

CHAPTER 163

An Act to Amend Section 84-4924 of the Revised Codes of Montana, 1947, Relating to Penalties for Violations of the State Income Tax Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-4924 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Penalties for violation of act.

Failure to pay or return without intent to evade.

"84-4924. (2295.24) **Penalties for Violations of Act.** (1) If any person, without intent to evade any tax imposed by this act, fails to make a return of income or pay any tax if one is due at the time required by or under the provisions of this act, there shall be added to the tax an additional amount equal to five (5) per centum thereof, but such additional amount shall in no case be less than two dollars ($2.00), and *interest at* one (1) per centum for each month or fraction of a month during which the tax remains unpaid.

Failure to pay or return with intent to evade.

"(2) If any person fails *with intent to evade any tax imposed by this act,* to make a return of income or to pay a tax if one is due *at* the time required by or under the provisions of this act *there shall be added to the tax an additional amount equal to twenty-five per centum (25%) thereof, but such additional amount shall in no case be less*

HeinOnline -- 1955 347 1955

than two dollars ($2.00), and interest at one (1) per centum for each month or fraction of a month *during which the tax remains unpaid.*

Intentional evasion, or false return.

"(3) Any individual, corporation or partnership, or any officer or employee of any corporation, or member or employee of any partnership, who, with intent to evade any tax or any requirement of this act or any lawful requirement of the board thereunder, fails to pay the tax, or to make, render, sign or verify any return, or to supply any information, within the time required by or under the provisions of this act, or who, with like intent, makes, renders, signs, or verifies any false or fraudulent return or statement, or supplies any false or fraudulent information, shall be liable to a penalty of not more than one thousand dollars ($1,000.00), to be recovered by the attorney general, in the name of the state, by action in any court of competent jurisdiction, and shall also be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed one thousand dollars ($1,000.00) or be imprisoned in the county jail not to exceed one (1) year, or both, at the discretion of the court.

Department certificate prima facie evidence.

"(4) The certificate of the department to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied, as required by or under the provisions of this act, shall be prima facie evidence that such tax has not been paid, that such return has not been filed, or that such information has not been supplied."

Approved March 4, 1955.

CHAPTER 164

An Act to Amend Sections 87-106 and 87-109 of the Revised Codes of Montana, 1947, as Amended by Chapter 191, Laws of Montana, 1953, Section 87-148 of the Revised Codes of Montana, 1947, as Amended by Chapter 160, Laws of Montana, 1953, Section 87-145 of the Revised Codes of Montana, 1947, as Amended by Chapter 150, Laws of Montana, 1951, and Sections 87-126, 87-133, 87-134, 87-138 and 87-146 of the Revised Codes of Montana, 1947, Which Sections Are a Part of the Unemployment Compensation Law, by Changing the Qualifications

HeinOnline -- 1955 348 1955

for Benefits; Allowing Abatement of Certain Charges to Employer Accounts by Reason of Benefits Paid; Reorganizing the Subsection Lettering of Section 87-109; Rewording Procedure for Enforcing Subpoenas; Adding Statute of Limitations for Collection of Overpaid Benefits; Revising Jurisdiction for Prosecution of Fraud; Entering Name of Proper Federal Agency in Sections 87-133, 87-134 and 87-138; Eliminating Obsolete Wording; Providing a Saving Clause; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 87-106 of the Revised Codes of Montana, 1947, as amended by chapter 191, laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Disqualification for benefits.

"87-106. **Disqualification for Benefits.** An individual shall be disqualified for benefits —

Voluntary quit, without good cause due to employment.

(a) If he has left work voluntarily, *without good cause attributable to the employment,* for a period of not less than one (1) or more than five (5) weeks (in addition to and immediately following the waiting period), as determined by the commission according to the circumstances in each case. No benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against the employer (whose employment the individual voluntarily left) on account of that particular employment, unless and until the commission shall determine (upon hearing and after at least ten (10) days' written notice thereof to said employer) that the individual voluntarily left work for good cause based solely upon objectionable conditions or terms of the employment and attributable entirely to the employer.

Discharge for misconduct.

(b) If he has been discharged for misconduct connected with his work or affecting his employment, for a period of not less than one (1) nor more than nine (9) weeks (in addition to and immediately following the waiting period) as determined by the commission in each case according to the seriousness of the misconduct. No benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against the employer (from

HeinOnline -- 1955 349 1955

whose employment the individual was discharged for misconduct as above provided) on account of that particular employment, unless and until the commission shall determine (upon hearing and after at least ten (10) days' written notice thereof to the said employer) that the individual was not guilty of misconduct as above provided, or that his discharge was not for that reason.

Failure to apply for available work—or accept suitable work.

(c) If he failed, without good cause, either to apply for available work when so directed by the employment office or the commission or to accept work offered to him which he is physically able and mentally qualified to perform, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall continue for the week in which such failure occurred and for not less than the one (1) nor more than five (5) weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case.

Determination of suitability.

(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Unemployment due to labor dispute.

(d) For any week with respect to which the commission finds that his total unemployment is due to a stoppage of

HeinOnline -- 1955 350 1955

work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the commission that — Proviso.

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises; provided, further, that if the commission, upon investigation, shall find that such labor dispute is caused by the failure or refusal of any employer to conform to the provisions of any law of the State of Montana or of the United States pertaining to collective bargaining, hours, wages or other conditions of work, such labor dispute shall not render the workers ineligible for benefits. Separate branches may be considered separate establishments.

(e) For any week with respect to which he is receiving or has received payment in the form of — Receipt of payment in other forms.

(1) Wages in lieu of notice or separation or termination allowance;

(2) Compensation for total disability under the workmen's compensation law of this, or, any state or under a similar law of the United States;

(3) Benefits under the railroad unemployment insurance act or any state unemployment compensation act or similar laws of any state or of the United States.

(f) During the school term or customary vacation periods within the school term, if claimant has left his most recent work for the purpose of attending an established educational institution, or if claimant is a student regularly attending an established educational institution. Leaving to attend school.

HeinOnline -- 1955 351 1955

Leaving to be married.

New employment required.

(g) For any week wherein claimant leaves her most recent work to be married. *Such disqualification shall continue until such time as said claimant shall have obtained bona fide employment after such marriage. No benefit payments or amounts thereafter paid such claimant shall ever be charged under section 87-109 against employer whose employment the claimant left to be married.*

Entitlement to retirement benefits paid by employer.

(h) *Where retired and entitled to receive retirement compensation paid in whole or in part from funds furnished by an employing unit, all wages earned by such individual in the employment from which he has been retired shall not be considered or included in determining his wage credits or weekly benefit amount under sections 87-103 or 87-105,* and no benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against *any employing unit* from whose employment the individual *is* retired, on account of that particular employment, unless and until the commission shall determine (upon hearing had after at least ten (10) days' written notice thereof to said employer) that the individual was not retired by the employer acting in good faith. *This disqualification does not extend to the receipt of old age benefits under the federal social security act, as amended, or benefits under the federal old age and survivors' insurance act, or similar payments under any act of congress or state law.*

Exception, federal old age or social security, or similar laws.

Leaving to be with husband or children.

(i) For any week wherein claimant leaves her most recent work to change her place of residence in order to remain with her husband or *children. Such disqualification shall continue until such time as said claimant shall have obtained bona fide employment in her new place of residence. No benefit payments or amounts thereafter paid shall ever be charged under section 87-109 against the employer whose employment the claimant left in order to remain with her husband or children.*

Leaving due to pregnancy.

Limitations.

(j) For any week wherein claimant leaves her most recent work during pregnancy, and due to such pregnancy. At any time after the seventh month of pregnancy a claimant, to establish eligibility, must present evidence of physical ability to work at such employment. Further, for any week wherein claimant leaves her most recent employment following childbirth, a claimant within the first two (2) months following such childbirth, to establish eligibil-

HeinOnline -- 1955 352 1955

ity, must present evidence of her physical ability to work at such employment. In either of the cases set forth hereinbefore, such evidence of eligibility must be in the form of a certificate of a duly licensed physician that such claimant is physically able to work at her most recent employment."

Amending clause.

Section 2. That section 87-109 of the Revised Codes of Montana, 1947, as amended by chapter 191, laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Employer contributions.

Payment on or after Jan. 1, 1937.

"87-109. **Contributions.** (a) Payment. (1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages, as defined in section 87-149 (c), paid for employment (as defined in this act) occurring during such calendar year. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe and shall not be deducted, in whole or in part, from the wages of individuals in his employ.

Breakage at ½-cent.

"(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half (½) cent or more, in which case it shall be increased to one (1) cent.

Rate of contribution.

"(b) Rate of contribution. (1) Each employer shall pay contributions equal to the following percentages of wages, as defined in section 87-149 (c) paid by him with respect to employment:

(A) One and eight-tenths (1.8) per centum with respect to employment during the calendar year 1937;

(B) Two and seven-tenths (2.7) per centum with respect to employment during the calendar years 1938, 1939, 1940, 1941, and for each calendar year thereafter, except as herein provided in subsection *(c)* of this section.

Experience rating, 1947 and thereafter.

"*(c)* Experience rating. The commission shall for the calendar year 1947, and for each calendar year thereafter, classify employers in accordance with their actual contribution and unemployment experience and shall determine for each employer the rate of contribution which shall apply to him throughout the calendar year in order to reflect said experience and classification.

HeinOnline -- 1955 353 1955

"The commission shall apply such form of classification or experience rating system which is best calculated to rate individually and most equitably the employment for each employer and to encourage the stabilization of employment.

Factors in employer classification.

"In making such classification, the commission shall take account, each to an equal extent, of the following factors relating to the unemployment hazard shown by each employer on the basis of (1) average annual net percentage declines in taxable payrolls for the last three (3) preceding calendar years; (2) number of years the employer has paid contributions; and (3) chargebacks to the individual employer account upon the last employer basis. The computation date is hereby fixed as of the close of business on June thirtieth of the preceding calendar year.

Rates, 1953 and thereafter.

"The rates for the calendar year 1953, and thereafter, except as hereinafter provided, shall be so fixed that they would, if applied to all employers and their total taxable annual payrolls for the preceding calendar year, have yielded total paid contributions equalling approximately one and two-tenths (1.2) per centum of the total of all such payrolls.

"The commission shall determine the contribution rate applicable to each employer for any calendar year subject to the following limitations:

(1) Each employer's rate shall be two and seven-tenths (2.7) per centum unless and until there have been five calendar years throughout which the employer has paid contributions at the rate of two and seven-tenths (2.7) per centum.

(2) The classified contribution rates for the calendar year 1947, and thereafter, except as hereinafter provided, shall be: one (1.0) per centum, one and one-half (1.5) per centum, two (2.0) per centum, two and one-half (2.5) per centum, and two and seven-tenths (2.7) per centum. The classified contribution rate for the calendar year 1953, and thereafter, except as hereinafter provided, shall be: five-tenths (.5) of one per centum, seven-tenths (.7) of one per centum, nine-tenths (.9) of one per centum, one and one-tenth (1.1) per centum, one and three-tenths (1.3) per centum, one and five-tenths (1.5) per centum, one and seven-tenths (1.7) per centum, one and nine-tenths (1.9)

HeinOnline -- 1955 354 1955

per centum, two and one-tenth (2.1) per centum, two and three-tenths (2.3) per centum, two and five-tenths (2.5) per centum, and two and seven-tenths (2.7) per centum.

(3) No employer shall be assigned a classified contribution rate higher than the second classified rate above the rate which was assigned to him for the last preceding calendar year except as hereinafter provided.

(4) No employer's rate shall be fixed below two and seven-tenths (2.7) per centum whose average benefit payments charged as most recent employer have, in the last three (3) preceding calendar years, exceeded the average amount of his contributions for those years.

(5) Rates as fixed by the commission shall stand and be in effect unless and until the cash reserves in the unemployment compensation trust fund at any time in the future fall below eighteen million dollars ($18,000,000.00), then the contribution rate of all employers subject to this act shall immediately return to a uniform rate of two and seven-tenths (2.7) per centum, and shall continue at the two and seven-tenths (2.7) per centum rate until cash reserves in the unemployment compensation trust fund exceed twenty-two million dollars ($22,000,000.00).

(6) The commission shall by regulation adopt such procedures as may be necessary for the substitution, merging or acquisition of an employer account by an employing unit, and the transfer of such employer account, rights, contributions, benefit experience and ratings to the successor employing unit or units.

(7) The commission shall by regulation provide for the proper notification of employers of the classification and rate of contribution applicable to their accounts. Such notification shall be final for all purposes unless and until such employer files a written request with the commission for a redetermination or hearing thereon within thirty (30) days after receipt of such notice. The provisions of section 87-107 applicable to appeals under claims procedure shall apply with like purpose and effect, and be applicable to hearings and request for redeterminations of classifications and rates of contribution filed by employers hereunder.

(8) 'Annual taxable pay roll' means the total of the four

HeinOnline -- 1955 355 1955

quarters of taxable pay rolls of an employer preceding the computation date as fixed herein.

"*(d)* Wages in excess of three thousand dollars. Commencing January 1, 1941, the provisions of this act requiring the payment of contributions by employers subject to this act shall apply only to wages paid up to and including three thousand ($3,000.00) dollars by an employer to an employee with respect to employment during any calendar year."

Amending clause.

Section 3. That section 87-126 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Subpoenas, procedure on refusal to obey.

"87-126. **Subpoenas.** *In case of contumacy by, or refusal of any person, to obey a subpoena issued to such person, as set forth in section 87-125, thereupon a commissioner, the commission, the chairman of an appeal tribunal, or any duly authorized representative of any of them, may make application to any court of this state within the jurisdiction of which the particular inquiry is carried on, or within the jurisdiction of which said person charged with contumacy, or refusal to obey, is found, or resides, or conducts business, and such court shall have jurisdiction* to issue to such person an order requiring such person to appear before the chairman of an appeal tribunal, a commissioner, the commission, or any duly authorized representative of any of them there to produce evidence if so ordered or there to give testimony touching the matters under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power to do so, in obedience to a subpoena of the commission, the chairman of an appeal tribunal or any duly authorized representative of any of them shall be punished by a fine of not more than two hundred ($200.00) dollars or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense."

Penalty.

HeinOnline -- 1955 356 1955

Section 4. That section 87-133 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"87-133. **Unemployment Compensation Administration Fund — Special Fund.** There is hereby created in the state treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited, appropriated or paid into this fund are hereby appropriated and made available to the commission. All moneys in the fund shall be expended solely for the purpose of defraying the costs of administration of this act and costs of administration of such other legislation as shall be specifically delegated to the commission for administration by the legislature. All moneys received and deposited in said fund for administration expense from the *United States of America, or any agency thereof*, pursuant to section 302, title III of the social security act, *as amended,* shall be expended solely for the purpose and in the amounts found necessary by the *secretary of labor* for the proper and efficient administration of this act. The fund shall consist of (1) all moneys received from the *United States of America, or any agency thereof,* pursuant to section 302, title III of the social security act, *as amended,* and (2) all moneys appropriated by the state from the general fund for the purpose of administering this act, all interest and penalties collected on past due contributions as provided by section 87-135; all moneys, trust funds, supplies, facilities or services furnished, deposited, paid and received from the United States of America, or any agency thereof, from this state or any agency thereof, from any other state or any of its agencies, from political subdivisions of the state, or any other source for administrative expense and purpose. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Any balance in this fund shall not lapse at any time, but shall be continuously available to the commission for the expenditure consistent with this act. The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commission and in a form prescribed by law or approved by

Unemployment compensation administration fund.

Limitations on expenditure.

How composed.

Treasurer's additional bond.

HeinOnline -- 1955 357 1955

the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer for the unemployment compensation fund under section 87-112, shall be paid from the moneys in the unemployment compensation administration fund."

Amending clause.

Section 5. That section 87-134 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Reimbursement of fund.

"87-134. **Reimbursement of Fund.** This state recognizes its obligation to replace, and hereby pledges the faith of this state that funds will be provided in the future, and applied to the replacement of any of *the* moneys received after July 1, 1941, from the *United States of America, or any agency thereof,* under title III of the social security act, any unencumbered balances in the unemployment compensation administration fund as of that date, any moneys thereafter granted to this state pursuant to the provisions of the Wagner-Peyser act, and any moneys made available by the state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser act, which the *secretary of labor* finds have, because of any action or contingency, been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the *secretary of labor* for the proper administration of this act. Such moneys shall be promptly supplied by moneys furnished by the State of Montana or any of its subdivisions for the use of the unemployment compensation commission and used only for purposes approved by the *secretary of labor.* The commission shall, if necessary, promptly report to the governor and the governor to the legislature, the amount required for such replacement. This section shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of title III of the social security act."

Amending clause.

Section 6. That section 87-138 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Employer refunds.

"87-138. **Refunds.** If not later than three (3) years after the date on which any contributions or interest thereon became due, an employer who has paid such contribu-

HeinOnline -- 1955 358 1955

tions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the commission shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commission's own initiative. In the event that this act is not certified by the *secretary of labor* under section 1603 of the internal revenue code, as amended, 1939, for any year, then and in that event, refunds shall be made of all contributions required under this act from employers for that year."

Amending clause.

Section 7. That section 87-145 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Penalties.

Employer, wilful false statement.

"87-145. **Penalties — Falsity or Wilful Nondisclosure — Violations by Employer or Agent — Violation of Act by Regulations — Wrongfully Collecting Benefits.** (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this act, *or under an employment security law of any other state, or territory or the federal government* either for himself or for any other person, shall be punished by a fine of not *less than twenty-five ($25.00) dollars nor* more than five hundred ($500.00) dollars or by imprisonment for not longer than thirty (30) days in the county jail or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Employer or agent, false statement.

"(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this act, *or under*

HeinOnline -- 1955 359 1955

the employment security law of any other state, or territory or the federal government or who wilfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine or not *less than twenty-five ($25.00) dollars nor* more than five hundred ($500.00) dollars or by imprisonment for not longer than sixty (60) days in the county jail or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense.

Violation of act or regulation.

"(c) Any person who shall wilfully violate any provision of this act or any order, rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not *less than twenty-five ($25.00) dollars nor* more than five hundred ($500.00) dollars or by imprisonment for not longer than sixty (60) days in the county jail or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

Wrongfully collected benefits.

"(d) Any person who, by reason of the non-disclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this act while any conditions for the receipt of benefits imposed by this act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commission, either be liable to have such sum deducted from any future benefits payable to him under this act or shall be liable to repay to the commission for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in this act for the collection of past due contributions. *Action for collection of overpaid benefits shall be brought within five (5) years after the date of such overpayment, otherwise to be barred as provided in section 93-2604.*"

Deduction from future payment or repayment.

Five-year limitation.

HeinOnline -- 1955 360 1955

Amending clause.

Section 8. That section 87-146 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Representation in court.

"87-146. **Representation in Court.** (a) In any civil action to enforce the provisions of this act the commission and the state may be represented by any qualified attorney who is employed by the commission and is designated by it for this purpose or at the commission's request, by the attorney general.

Civil actions.

Criminal actions.

"(b) All criminal actions for violation of any provision of this act, or of any rules or regulations issued pursuant thereto, shall be prosecuted by the attorney general of the state; or, at his request and under his direction, by the prosecuting attorney *of the county wherein the crime was committed.*"

Venue.

Amending clause.

Section 9. That section 87-148 of the Revised Codes of Montana, 1947, as amended by chapter 160, laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Terms defined.

"87-148. **Definitions.** As used in this act, unless the context clearly requires otherwise: (a) (1) 'annual payroll' means the total amount of wages paid by an employer (regardless of the time of payment) for employment during a calendar year.

"Average annual payroll."

(2) 'Average annual payroll' means the average of the annual payrolls of an employer for the last three (3) or five (5) preceding calendar years, whichever average is higher.

"Benefits."

(b) 'Benefits' means the money payments payable to an individual, as provided in this act, with respect to his unemployment.

"Base period."

(c) 'Base period' means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

"Benefit year."

(d) 'Benefit year' with respect to any individual means, the fifty-two (52) consecutive-week period beginning with the date of filing of a valid claim by said individual, and thereafter the fifty-two (52) consecutive-week period beginning with the date of the next valid claim filed after the termination of his last preceding benefit year.

HeinOnline -- 1955 361 1955

"Calendar quarter." (e) 'Calendar quarter' means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31.

"Commission." (f) 'Commission' means the unemployment compensation commission established by this act.

"Contributions." (g) 'Contributions' means the money payments to the state unemployment compensation fund required by this act.

"Employing unit." (h) 'Employing unit' means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one (1) or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of any employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

"Employer." (i) 'Employer' means:

(1) Any employing unit which for some portion of a day in each of twenty (20) different weeks, whether or not such weeks are or were consecutive within either the current or the preceding calendar year, has or had in employment, one or more individuals (irrespective of whether the same individuals are or were employed in each such day); or whose total annual payroll within either the current or the preceding calendar year, exceeds the sum of five hundred ($500.00) dollars;

(2) Any individual or employing unit which acquired the organization, trade or business, or substantially all

HeinOnline -- 1955 362 1955

the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(3) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this act), and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which, having become an employer under paragraph (1), (2) or (3) has not, under section 87-110, ceased to be an employer subject to this act; or

(5) For the effective period of its election pursuant to section 87-110 (c) any other employing unit which has elected to become fully subject to this act.

"Employment."

(j) (1) 'Employment' subject to other provisions of this subsection means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) The term 'employment' shall include an individual's entire service, performed within or both within and without this state if:

(A) The service is localized in this state; or

(B) The service is not localized in any state but some of the service is performed in this state and (I) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or (II) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(3) Service not covered under paragraph (2) of this subsection, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this state and the commission approved the election of the employing unit

HeinOnline -- 1955 363 1955

for whom such services are performed that the entire service of such individual shall be deemed to *be* employment subject to this act.

(4) Service shall be deemed to be localized within a state if —

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for wages shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the commission that:

(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

Excluded from "employment."

(6) The term 'employment' shall not include:

(A) Agricultural labor; the term 'agricultural labor' includes all services performed —

(1) On a farm, in the employ of any person in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber

HeinOnline -- 1955 364 1955

or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple syrup or maple sugar or any commodity commonly known as agricultural commodities, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(5) As used in this section, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(B) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority;

(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;

(E) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and oper-

HeinOnline -- 1955 365 1955

ated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or wild life and anglers' clubs or associations, no part of the net earnings of which insures to the benefit of any private shareholder or individual;

(F) Service performed in the employ of this state, or of any political subdivision thereof, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions;

(G) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of any instrumentality of any other state or states or their political subdivisions or of the United States, except that national banks organized under the national banking law shall not be entitled to exemption under this section and shall be subject to this act the same as state banks;

(H) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress; provided, that the commission is hereby authorized and directed to enter into agreements with the proper agencies under such act of congress, which agreements shall become effective ten (10) days after publication thereof in the manner in section 87-121 for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such act of congress, or who have, after acquiring potential rights to unemployment compensation under such act of congress, acquired rights to benefits under this act;

(I) Services performed in the delivery and distribution of newspapers or shopping news from house to house and business establishments by an individual under the age of eighteen (18) years, but not including the delivery or distribution to any point or points for subsequent delivery or distribution.

"Employment office."

(k) 'Employment office' means a free public employment office, or branch thereof, operated by this state or maintained as a part of a state-controlled system of public employment offices, or such other free public employment offices operated and maintained by the United States gov-

HeinOnline -- 1955 366 1955

ernment or its instrumentalities, as the commission may approve.

(l) 'Fund' means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid. "Fund."

(m) 'State' includes, in addition to the states of the United States of America, Alaska, Hawaii, the District of Columbia, and the Dominion of Canada." "State."

Section 10. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Section 11. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 12. This act shall be in full force and effect from and after April 1, 1955. Effective April 1, 1955.

Approved March 4, 1955.

CHAPTER 165

An Act Authorizing and Creating a Permanent Care and Improvement Fund for Public Cemetery Districts; Relating to Transfers of Money by Public Cemetery District Trustees to the Fund; Providing for the Manner of Appointment and Qualifications of Trustees, Including Corporate Trustees; Providing for the Tenure of Office of Trustees; and Manner of Filling Vacancies; Providing for Surety Bonds for Trustees; Allowing Trustees of the Fund to Deposit Money, Bonds and Securities With the County Treasurer; Providing Fund be Inviolable and Separate From Other Funds; Providing That Future Conveyance of Lots Designate the Percentage of the Purchase Price Transferred to Fund; Providing for Compensation, Reports, Records and a Secretary of Said Trustees; Validating Existent Funds If Consistent With This Act; Containing a Savings or Separability Clause and Providing for a Short Title.

HeinOnline -- 1955 367 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any public cemetery district formed under the provisions of sections 9-201, Revised Codes of Montana, 1947, et seq, which shall have established and be maintaining a cemetery, shall provide, in the manner set forth in this chapter, for the establishment and maintenance of a permanent fund, the income of which shall be devoted to the care, maintenance, and improvement of such cemetery, which fund shall be known as the "permanent care and improvement fund" of such public cemetery district.

Cemetery district "permanent care and improvement fund" required.

Section 2. Whenever moneys to the amount of one hundred dollars ($100.00) shall have been received by such public cemetery district, heretofore or hereafter formed, such a fund, either from the sale of lots or from direct payments of such public cemetery district toward such a fund by lot owners, the trustees of such public cemetery district shall immediately make application to the judge of the district court for the judicial district in which the cemetery for which such trust fund exists for the appointment of a trustee or of a board of trustees of such fund and the judge of such court shall thereupon appoint a trustee or a board of trustees from a list submitted to him by the trustees of such public cemetery district. Such trustee or such board shall consist of not less than one (1) nor more than five (5) persons, the exact number to rest in the discretion of the said trustees of said public cemetery district. Such trustee or the members of such board of trustees of such funds must be citizens and freeholders of the State of Montana during all the time they exercise the powers of such trust. Upon the election, appointment, and qualification, as hereinafter provided, of the said trustees of such fund, all of the title to the funds included in said trust, and all of the rights, powers, authorities, franchises, and trusts of whatsoever thereunto appertain-in, shall at once vest in him or them; or, in case of the failure of any of those so chosen and appointed, to qualify within thirty (30) days after their appointment, then the same shall vest in the one or more who shall qualify. In case of the failure of any of those so chosen and appointed so to qualify within such time, then a vacancy shall exist and the judge of said district court shall forthwith appoint from a list submitted to him by the trustees of such public cemetery district some person possessing the above qual-

Trustees of fund—appointment, qualifications.

Vacancies.

HeinOnline -- 1955 368 1955

ifications to fill vacancy or vacancies in said board of trustees of such fund; provided, however, that trustees of such fund, heretofore appointed by such public cemetery district, or district courts, shall continue to hold their office as such trustees until terminated in one of the manners in this act provided.

Provided, continuance of existing trustees.

The board of trustees shall also have the power and authority to nominate any bank which is authorized to act as a trust company in Montana under state or federal law, to be trustee of such trust fund. And in that event the district court shall make appointment of such nominee which shall serve in such capacity without bond, but shall be required to make all reports and discharge all the duties and obligations required of individual trustees.

Bank may be trustee.

Section 3. The tenure of office of the trustee or trustees of such fund shall be for the term of three (3) years, unless they permanently remove from the State of Montana, or are removed from office by the judge of said district court for good cause shown, or their tenure is otherwise terminated as in this act provided.

Tenure of office of trustees.

Section 4. Before exercising, or having any of the powers, duties, rights, titles, authorities, or franchises appertaining to such trust or to such trusteeship, each person chosen to be a trustee of such fund shall give to the public cemetery district for which the trust is maintained, a bond in a sum equalling at least one and one-third (1 1/3) times the value of the property on hand at the time of giving such bond, with good and sufficient sureties thereto, who shall justify in the aggregate in at least double the amount of such bond, the same to be conditioned for the due and faithful performance of his trust until July first of the next even-numbered year after the year in which such bond shall be given, and until such trustee shall give a new bond as hereinafter provided. Upon the first day of July in each even-numbered year, each trustee shall give a new bond conditioned in the same way, the amount thereof to be determined by the same rule, and with sureties as above provided. Such bonds shall all be approved by a judge of the district court for the judicial district in which the cemetery for such trust exists, or some part thereof shall be situate, and shall be filed with the clerk of the district court of the county in which such cemetery is located. Any failure so to renew bonds within thirty (30) days after

Bond.

Annual bond required.

HeinOnline -- 1955 369 1955

the time hereinbefore provided shall be a sufficient ground for removal of any trustee within the discretion of the district court.

Reduction of bond value by deposit with county treasurer.

The value of the property on hand may be reduced for the purpose of fixing the amount of the bond in an amount equal to the value of the money, bonds, and securities which the trustee or trustees of the permanent care and improvement fund may elect to, and do deposit with the county treasurer as hereinafter provided.

Procedure.

The trustee or trustees of such fund may deposit such money, bonds and securities as he or they see fit with the county treasurer of the county in which said cemetery or some part thereof is situated for safekeeping, and it is the duty of the county treasurer to receive and safely keep all such moneys, bonds and securities, and pay them out, or deliver them up, or any part thereof, upon the order of such trustee or a majority of the trustees, when countersigned by a judge of said judicial district, and not otherwise, and to keep an account with such trustee or trustees of all such transactions; and for the safekeeping and payment and delivery of all such moneys, bonds and securities, as herein provided, the said treasurer and his sureties are liable upon his official bond.

District judge to fill vacancies.

Section 5. In the case of the death, resignation, disability, or removal of any member or members of said board of trustees of said fund the judge of said district court shall forthwith appoint a trustee or trustees to fill such vacancy or vacancies, in the same manner as above provided in the case of an original vacancy.

Where vacancy, remaining trustees succeed.

Section 6. In case of the death, resignation, disability, or removal of any one or more of the trustees of such fund, all the rights, titles, powers, authorities, franchises, and trusts whatsoever, existing in such trustee at the time of such death, resignation, disability or removal, shall at once, without further act or conveyance, vest in the survivor or survivors until the vacancy or vacancies so occasioned shall be filled, when the same shall in the same manner vest in the board as so reconstituted. All newly appointed trustees shall at once, upon qualification, succeed to an equal share in all the rights, titles, powers, authorities, franchises, and trusts belonging to such board; and the same shall always

HeinOnline -- 1955 370 1955

be vested in the members of such board as actually constituted.

If failure of trustees, district court succeeds.

Section 7. In the case of the failure of the trustees of such public cemetery district to make application to the judge of said district court for the appointment of a board of trustees of such fund, as provided in section 2, or in the case of the death, removal, resignation or disability of all of the members of such board, the said rights, titles, interests, authorities, powers, franchises and trusts, until the appointment and qualification of a new board of trustees of such fund shall vest in the district court of the county in which such cemetery or the greater part thereof, shall be situated. In such cases such trustee or such board of trustees of such fund shall be appointed by the district court of said county upon application of any person interested and upon notice of other persons interested, as the judge of said court may order. The trustee or trustees appointed by the judge of said court under the provisions of this section, shall have the same rights, powers, authorities, and franchises as the trustee or trustees appointed under any other sections of this act. Such trustee or such board of trustees must annually, or oftener if so required by order of such court, file in the office of the clerk of the district court of the county where such cemetery is situated, a duly verified account showing a detailed statement of all moneys collected, of all securities on hand, together with all moneys disbursed during the preceding year. Any interested party may apply to the district court for an order requiring such trustee or such board of trustees to make such an accounting at any time. Any owner of an interest in any lot in the cemetery cared for by such trust, any trustee of the public cemetery district, and any trustee of the said trust fund, shall have the right to make any application to the court provided for in this chapter.

Annual accounting to be filed.

Recording instruments of appointment.

Section 8. All instruments of appointment of a trustee or of a board of trustees of such funds shall be recorded with the secretary of the public cemetery district establishing the fund and shall also be filed in the office of the clerk of the district court in the county in which such public cemetery district is located.

Permanent care lots, percentage of moneys to be transferred to trustees.

Section 9. From and after the passage and approval of this act, the trustees of such cemetery district as are mentioned in section 1 shall provide by resolution spread upon

HeinOnline -- 1955 371 1955

the minutes of such public cemetery district, for the transfer to the trustees of such "permanent care and improvement fund," of not less than fifteen (15) nor more than forty (40) per cent of the moneys received from the sale of cemetery lots designated as perpetual care lots by said public cemetery district, together with all moneys theretofore or thereafter received from the owners of lots for the care of such lots; and such transfer of any such funds then on hand shall then and there be made; such transfers shall be made thereafter quarterly, upon the first days of January, April, July and October of each year, to the trustees of such fund. If at any time there shall remain in the hands of such public cemetery district unexpended money, over and above the liabilities of the public cemetery district, the board of trustees of such public cemetery district may, by a two-thirds vote, appropriate the whole or any portion of such unexpended moneys to such "permanent care and improvement fund"; provided, that such fund (exclusive of such portion thereof as may have been paid in by owners of lots for the care of such lots) shall never in any case be allowed to exceed the sum of five thousand dollars ($5,000.00) per acre of the cemetery to be cared for therewith; and when such fund shall reach such amount, all appropriations and payments thereto shall cease.

Quarterly transfer required.

Excess unexpended moneys may be transferred to permanent fund.

Proviso—limitation on amount in fund.

Section 10. The principal of such fund shall in all cases remain intact and inviolate. But the trustees of such fund shall, on the first of January and first of July in each year, turn over to the treasurer of such public cemetery district all accrued income arising from such fund, and the receipt of such treasurer therefor shall be a sufficient voucher in the hands of such trustees.

Principal of fund inviolate.

District treasurer to receive income.

Section 11. The income of that portion of such fund, received from the sales of lots designated as perpetual care lots shall be used, in the discretion of the trustees of such public cemetery district, solely for the care, maintenance, and improvement of such cemetery lots, its grounds, roads, walks, and avenues leading thereto, except as herein provided. The income from such portion of such funds as shall have been paid in by lot owners for the care of specific lots shall be segregated from the other portion, each lot being credited with its respective income, and shall be used solely for the care of such lots, respectively. In the

Perpetual care lots—use of income limited.

Segregation of care funds income.

HeinOnline -- 1955 372 1955

event of any portion of the income so paid ever remaining unexpended for such purposes, for one (1) year after its being so paid over to the treasurer of such public cemetery district, it shall be returned to the trustees of such fund by said treasurer, and become a part of the principal. Hereafter all public cemetery districts shall distinctly specify in all conveyances of lots therein the percentage of the price received therefor, to be transferred under the provisions of this chapter to the "permanent care and improvement fund" of such public cemetery district, and also such further sum, if any there be, paid by the purchaser for the permanent care of the specific lot or lots thereby conveyed, so to be transferred as hereinbefore provided.

Excess to principal.

Sale of lots—percentage to care fund to be specified.

Section 12. The principal of such fund may be invested in the way in which trust funds are permitted to be invested in the State of Montana and not otherwise; provided that each investment made by the trustee or by the board of trustees shall be subject to the approval of the board of trustees of the public cemetery district and also by the district judge of the county in which the cemetery is situated.

Investment of principal.

Proviso—cemetery district trustees and district judge must approve.

Section 13. The trustee or the members of the board of trustees of such permanent care and improvement fund shall receive such compensation as may be agreed upon between such trustee or between such board of trustees of such permanent care and improvement fund on the one hand and the board of trustees of the public cemetery district on the other, provided that the total compensation of such trustee or of the entire board of trustees shall in no case exceed the sum of one hundred dollars ($100.00) per annum. The fees of such trustee or of the members of the board of trustees shall be paid out of the general fund of the public cemetery district until such trust fund shall reach ten thousand dollars ($10,000.00) and thereafter the same shall be paid out of the income of such fund.

Compensation of trustees.

Limitation.

Source of fee payment.

Section 14. The secretary of the public cemetery district shall act as secretary of such trustee or as secretary of such board of trustees of such fund and shall keep a full record of their proceedings.

District secretary to be transfer secretary.

Section 15. The trustee or the board of trustees of such fund shall annually, on the first day of January, make their report of the condition of such trust fund to the

Annual report to district trustees.

HeinOnline -- 1955 373 1955

Filing, inspection.

trustees of the public cemetery district as hereinbefore provided. Such reports shall always be kept by the secretary of such public cemetery district, and by the clerk of the district court, and be open to the inspection of any person owning an interest in any lot in the cemetery cared for by such fund.

Existing permanent funds may continue.

Section 16. Any "permanent improvement fund" established prior to the taking effect of this act by any public cemetery district, as far as consistent with the provisions of this act, shall remain in existence and be subject to the provisions hereof.

Repealing clause.

Section 17. All acts and parts of acts in conflict herewith are hereby repealed.

Saving clause.

Section 18. If any section, clause, paragraph or provision of this act shall be found invalid by court of competent jurisdiction, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section, paragraph or clause and the act as a whole shall not be declared invalid by reason of the fact that one or more sections, clauses, sentences, paragraphs or parts may have been found invalid by any court.

How act cited.

Section 19. This act may be cited as "the public cemetery district permanent care and improvement fund act."

Approved March 4, 1955.

CHAPTER 166

An Act to Amend Section 4202, Title 84, Revised Codes of Montana, 1947, as Amended by Chapter 23, Laws of 1951, Relating to the Duty of County Treasurers in Collection of Personal Property Taxes Not a Lien on Real Property and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4202 of title 84, Revised Codes of Montana, 1947, as amended by chapter 23, laws of 1951, be, and the same is hereby amended to read as follows:

Duty of treasurer.

"84-4202. (2239) **Duty of Treasurer.** The county treasurer must collect taxes on all personal property, and in

HeinOnline -- 1955 374 1955

the case provided in the preceding section, it shall be the duty of the treasurer immediately upon receipt of such report from the assessor to notify the person or persons against whom the tax is assessed that the amount of such tax is due and payable at the county treasurer's office. The county treasurer must, at the time of receiving the assessor's report, and in any event within thirty (30) days from the receipt of such report, levy upon and take into his possession such personal property against which a tax is assessed and proceed to sell the same, in the same manner as property is sold on execution by the sheriff, and the county treasurer may for the purpose of making such levy and sale, *direct the sheriff to make such levy and sale, and the sheriff, undersheriff, or any deputy sheriff of such county is, ex officio, a deputy county treasurer for such purposes, and either may act and receive payment of such taxes.* Such sheriff shall be entitled to receive the same fees as he is entitled to in making a seizure and sale under execution.

Sheriff may be ex-officio deputy treasurer.

"The county treasurer and his sureties are liable on his official bond for all taxes on personal property remaining uncollected by reason of the wilful failure and neglect of such treasurer to levy upon and sell such personal property for the taxes levied thereon.

Liability of treasurer.

"Nothing herein shall be construed as to prevent the county treasurer from collecting taxes due on personal property by seizure and sale thereof at any time after the expiration of the period hereinbefore mentioned."

Construction of act.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1955.

CHAPTER 167

An Act Relating to Vocational Rehabilitation and Related Services for the Blind; Establishing a Plan for Cooperation With the Federal Government in Such Services; Providing for Administration of the Program by the Public Welfare Department; Defining Terms; Establishing Standards of Eligibility; Repealing Conflicting Acts.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 375 1955

Terms defined:

Section 1. **Definitions.** As used in this act:

"State department."

(a) "State department" means the state department of public welfare.

"State board."

(b) "State board" means the state board of public welfare.

"Administrator."

(c) "Administrator" means the administrator of the state department of public welfare.

"Supervisor."

(d) "Supervisor" means the supervisor of the program of services for the blind.

"Vocational rehabilitation" and "vocational rehabilitation services."

(e) "Vocational rehabilitation" and "vocational rehabilitation services" means any services, provided directly or through public or private instrumentalities, found by the supervisor to be necessary to compensate a blind individual for his employment handicap, and to enable him to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational and business licenses, tools, equipment, initial stocks and supplies, including livestock, capital advances, maintenance, and training books and materials.

"Rehabilitation services."

(f) "Rehabilitation services" means any services, provided directly or through public or private instrumentalities, found by the supervisor to be necessary to compensate a blind individual for his employment handicap or to enable him to achieve the maximum degree of self-care and to engage in productive tasks including, but not limited to, services of the type described in subsection (d) hereof.

"Rehabilitation training."

(g) "Rehabilitation training" means all necessary training provided to a blind individual to compensate for his employment handicap including but not limited to, manual, preconditioning prevocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities.

"Physical restoration."

(h) "Physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially reduce a blind individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care, convalescent home

HeinOnline -- 1955 376 1955

care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions.

(i) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ. "Prosthetic appliance."

(j) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in an occupation. "Occupational licenses."

(k) "Business licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in a business. "Business licenses."

(l) "Maintenance" means money payments not exceeding the estimated cost of subsistence during the provision of vocational rehabilitation and rehabilitation services. "Maintenance."

(m) "Blind individual" means an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or who has other eye conditions which render vision equally defective; or who has an eye condition which will cause blindness. "Blind individual."

Section 2. **Administrator.** The program shall be administered, under the general supervision and direction of the state department, by a supervisor and such other staff as designated by the administrator in accordance with established personnel standards of the state department and on the basis of their education, training, experience and demonstrated ability. Administrator.

Section 3. **Supervisor — Duties.** In carrying out his duties under this act, the supervisor: Supervisor.

(a) shall, with the approval of the state department, make regulations governing the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for vocational rehabilitation and other services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this act; Duties.

HeinOnline -- 1955 377 1955

(b) shall, with the approval of the administrator establish appropriate subordinate administrative units.

(c) shall, with the approval of the state administrator, take such other action as he deems necessary or appropriate to carry out the purposes of this act.

Section 4. **Administration.** Except as otherwise provided by law, the state department, shall provide the services authorized by this act to blind individuals determined by the supervisor to be eligible therefor and, in carrying out the purposes of this act the department may, among other things:

(a) cooperate with other departments, agencies and institutions, both public and private, in providing the services authorized by this act to blind individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of this act, such programs, facilities and services as may be necessary or desirable;

(b) enter into reciprocal agreements with other states to provide the services authorized by this act to residents of the states concerned;

(c) conduct research and compile statistics relating to the provision of services to or the need of services of blind individuals.

Cooperation with federal government authorized.

Section 5. **Cooperation With Federal Government.** The state department, may cooperate, pursuant to agreements with the federal government, in carrying out the purposes of any federal statutes pertaining to the purposes of this act and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

Federal funds, receipt and disbursement.

State treasurer custodian of funds.

Section 6. **Receipt and Disbursement of Federal Funds.** The state treasurer is hereby designated as the custodian of all funds received from the federal government for the purpose of carrying out any federal statutes pertaining to the purposes of this act. The state treasurer shall make disbursements from such funds and from all state funds available for such purposes upon certification of the administrator in accord with the regulations so provided.

Gifts.

Section 7. **Gifts.** The administrator is hereby authorized and empowered, with the approval of the state board,

HeinOnline -- 1955 378 1955

to accept and use gifts made unconditionally by will or otherwise for the purposes of this act. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of this act may be so accepted and shall be held, invested, reinvested, and used in accordance with the conditions of the gift.

Eligibility for vocational rehabilitation services.

Section 8. **Eligibility for Vocational Rehabilitation Services.** Vocational rehabilitation services shall be provided to any blind individual (1) who, at the time of filing his application therefor, resides in the state for other than a temporary purpose, and whose vocational rehabilitation the supervisor determines, after full investigation, can be satisfactorily achieved, or (2) who is eligible therefor under the terms of an agreement with another state or with the federal government; provided that, except as otherwise provided by law or as specified in any agreement with the federal government with respect to classes of individuals certified to the state department thereunder, the following vocational rehabilitation services shall be provided at public cost only to blind individuals found to require financial assistance with respect thereto:

(a) Physical restoration.

(b) Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary.

(c) Occupational and business licenses.

(d) Tools, equipment, initial stock and supplies, including livestock and capital advances.

(e) Training books and materials.

(f) Maintenance.

Eligibility for rehabilitation services.

Section 9. **Eligibility for Rehabilitation Services.** Rehabilitation services shall be provided to any blind individual (a) who, at the time of filing his application therefor resides in the state for other than a temporary purpose, (b) who the supervisor, after full investigation, determines can be assisted, through the provision of such services, to achieve a more useful and purposeful life, or (c) who is eligible therefor under the terms of an agreement with another state or with the federal government.

HeinOnline -- 1955 379 1955

Maintenance not assignable.

Section 10. **Maintenance Not Assignable.** The right of any individual to maintenance under this act shall not be transferable or assignable at law or in equity.

Hearings.

Section 11. **Hearings.** Any individual applying for or receiving vocational rehabilitation or any other services authorized by this act who is aggrieved by any action or inaction of the state department shall be entitled, in accordance with regulations, to a fair hearing by the state department.

Misuse of lists and records unlawful.

Section 12. **Misuse of Lists and Records.** It shall be unlawful, except for purposes directly connected with the administration of the programs authorized by this act, and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation or any other services authorized by this act, directly or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

Repealing clause.

Section 13. **Repeal.** All other laws or parts of laws in conflict herewith are hereby repealed.

Severability clause.

Section 14. **Separability.** If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Saving clause.

Section 15. **Saving Clause.** The legislative assembly reserves the right to amend or repeal all or any part of this act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or by acts done pursuant thereto shall exist subject to the power of the legislative assembly to amend or repeal this act at any time.

Authorizing appropriation.

Section 16. **Appropriation Authorization.** There are hereby authorized to be included in the appropriations for the state department such sums as may be necessary to carry out the provisions of this act.

HeinOnline -- 1955 380 1955

Section 17. **Short Title.** This act may be cited as the "services to the blind act" of Montana. How act cited.

Approved March 4, 1955.

CHAPTER 168

An Act to Provide for the Acceptance by the State of Montana of the Requirements of the "National Defense Facilities Act of 1950" to Provide for the Acquisition, Construction, Expansion, Rehabilitation, or Conversion of Armories and Facilities Necessary for the Administration and Training of the Montana National Guard, Its Units, Its Components, or Any Organization Affiliated Therewith; Declaring an Emergency; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is hereby declared that there exists a shortage of armories in the State of Montana for the use of the Montana national guard, its units, its components, or any organization affiliated therewith. Armories if constructed could be constructed in such a manner as to be used by the Montana national guard, its units, its components, or any organization affiliated therewith, for the general welfare, and by virtue of an act passed by the congress of the United States, the eighty-first congress, known as public law 783, it is possible to construct said armories in conjunction with the United States. That unless the people of the State of Montana take advantage of the provisions and requirements of said act of congress, federal funds will not be forthcoming from the United States in constructing said armories. That the adoption of this act will enable the State of Montana to construct said armories within the State of Montana. Purpose of act declared.

Section 2. The words "facility" and "facilities," and "armory" and "armories" include, insofar as permitted by said act of congress and federal law, building space required for the administration and training of any Montana national guard unit, component, or any organization affiliated therewith, and such additional space in such building for other purposes as may be agreed to by the state adjutant general of Montana on behalf of the State Terms defined.

HeinOnline -- 1955 381 1955

of Montana. The "Montana national guard" includes the Montana air national guard, its units, components or any organization affiliated therewith.

Assent to federal act.

Section 3. For and on behalf of the State of Montana, and in conformity with the requirements and provisions of that certain act of congress approved September 11, 1950, known as the "national defense facilities act," and entitled "an act to provide for the acquisition, construction, expansion, rehabilitation, conversion, and joint utilization of facilities necessary for the administration and training of the reserve components of the armed forces of the United States," and for other purposes, which act is also known as "the national defense facilities act of 1950, public law 783, congress of the United States of America," and amendments and/or extensions thereof as may hereafter be made, is hereby assented to. The adjutant general of the State of Montana is hereby authorized to, for, and on behalf of the State of Montana, to enter into all contracts and agreements with the United States government, or any office, department, or bureau thereof, relative to the location, acquisition, construction, expansion, rehabilitation, or conversion of facilities necessary for the administration and training of the Montana national guard, its units, its components, or any organization affiliated therewith, and other purposes in connection therewith, in order to comply with requirements and provisions of said act of congress; and the adjutant general for and on behalf of the State of Montana is hereby authorized to do all things necessary, or required, to carry out fully the cooperation contemplated by said act of congress and hereby assented to relative to the location, acquisition, construction, expansion, rehabilitation, conversion, and joint utilization of facilities necessary for the administration and training of the Montana national guard, its units, its components, or any organization affiliated therewith.

Adjutant general authorized to enter contracts.

Adjutant general, authorization to cooperate under federal act.

Armories, title to be in state of Montana.

Section 4. Title to any armories constructed under this act including property, both real and personal, shall be in the State of Montana; and the State of Montana, through its adjutant general, may permit such armories to be used from time to time by persons or organizations other than members or units of the Montana national guard under such terms, and upon such conditions, as shall be deemed appropriate by said adjutant general.

HeinOnline -- 1955 382 1955

Adjutant general authorized to receive grants and gifts, let contracts subject to board of examiners.

Section 5. The adjutant general on behalf of the State of Montana is hereby authorized to receive grants, donations, and gifts of any property on behalf of the State of Montana for the purpose of complying with the aforesaid act of congress, and any property acquired by the State of Montana, as aforesaid, because of said act of congress, shall remain in the people of the State of Montana, and the adjutant general of the State of Montana is hereby empowered to act as "contracting officer" for the State of Montana under this act; provided that all contracts let under this act, and the said act of congress, shall be subject to the approval of the state board of examiners of the State of Montana.

Limitation on state contributions.

Section 6. That in no event, in complying with said act of congress, shall the State of Montana contribute more than a combined total of twenty-five per cent (25%) of the funds necessary to comply with provisions of said act of congress; provided, however, that such twenty-five per cent (25%) limitation shall apply only to expenditures authorized by said act of congress to be participated in by the United States.

Repealing clause.

Section 7. All acts or parts of acts in conflict herewith are hereby repealed. Sections 82-201, 82-202, 82-203, 82-204, 82-205, 82-206, 82-207, 82-208, 82-209, 82-210 and 82-211 of the Revised Codes of Montana, 1947, insofar as they pertain to "Montana armory board," and all other acts or parts of acts pertaining to said "Montana armory board" are hereby repealed.

Emergency declared

Section 8. This act is hereby declared to be an emergency measure and shall be in full force and effect after its passage and approval.

Severability clause.

Section 9. If any provisions of this act shall be held unconstitutional or otherwise invalid, such invalidity shall not affect the provisions of this act which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Approved March 4, 1955.

HeinOnline -- 1955 383 1955

CHAPTER 169

An Act to Amend Section 82-1008 of the Revised Codes of Montana, 1947, Relating to the Examination of Accounts of Cities, Towns and Certain School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 82-1008 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Examination of incorporated cities and towns authorized.

"82-1008. (215) **Examination of Accounts of Cities, Towns and** *Certain* **School Districts.** The state examiner in addition to the duties now imposed upon his office, shall have the power and authority and it shall be his duty, to make at least one examination each year of the books and accounts of all incorporated cities and towns."

Certain school district examinations authorized.

The state examiner shall have the power and authority, and it shall be his duty, to make at least one examination during each fiscal year of the books and accounts of all school districts of the first and second class and of third class districts maintaining a high school, in like manner as is now required by law for the examination of the books and accounts of state and county officers provided, however, that the trustees of any school district must, during the month of June of each calendar year, notify the state examiner if such examination will be required, in which event it shall be the duty of the state examiner to make an examination of such school district during the fiscal year following receipt of said notice.

Proviso— any school district may request examination.

Fee.

"*For* such examination a fee of *thirty dollars ($30.00)* per day per man together with actual transportation expense must be paid by such district into the state treasury and the state treasurer shall accredit such payment to the special examiners' fund."

School district may be examined by public accountant.

In lieu of the examination by the state examiner as above provided, said school districts may provide for the examination of the books and accounts thereof by a qualified public accountant of the State of Montana.

Report to be filed.

A copy of the examiner's or accountant's report shall be filed with the county superintendent of schools, the state superintendent of public instruction, and the clerk of the

HeinOnline -- 1955 384 1955

school district, and any citizen of the State of Montana shall have the right to inspect, copy out and publish any of the facts therein contained.

Approved March 4, 1955.

CHAPTER 170

An Act to Amend Sections 11-725, 11-728, 11-729, and 11-731, of the Revised Codes of Montana, 1947, as Amended by Chapter 76 of the Laws of the Thirty-third Legislative Assembly, 1953, Pertaining to Salaries and Qualifications of Mayor, Aldermen, City Treasurer, City Attorney, and City Clerk, and Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-725 of the Revised Codes of Montana, 1947, as amended by chapter 76 of the laws of the thirty-third legislative assembly, 1953, be, and the same is amended to read as follows:

Salaries, qualifications, mayor and aldermen.

"11-725. **Salaries and Qualifications of Mayor and Aldermen.** The annual salary of a mayor of a city of the first class must not exceed five thousand four hundred dollars ($5,400.00); and the annual salary of the mayor of a city of the second class must not exceed three thousand dollars ($3,000.00); and the annual salary of the mayor of a city of the third class must not exceed one thousand five hundred dollars ($1,500.00); and each alderman in a city of the first class may be allowed and paid not exceeding twelve dollars ($12.00) per diem, to be fixed by ordinance, for each day of session held by city council; provided, that no alderman shall be paid for more than five (5) days' service during any one (1) month; and aldermen of cities of the second and third class may be allowed and paid not exceeding twelve dollars ($12.00) per diem for each day of session, to be fixed by ordinance, but no alderman shall be paid for more than two (2) days' service during any one (1) month. The council of any town may by ordinance set compensation for a mayor and alderman at two dollars ($2.00) per meeting but in no event shall they be paid to exceed three (3) meetings per month. No

HeinOnline -- 1955 385 1955

person shall be elected to the office of mayor or alderman in any city or town who is not a resident and freeholder within the limits of the city or town."

Amending clause.

Section 2. That section 11-728 of the Revised Codes of Montana, 1947, as amended by chapter 76 of the laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

Salary, city treasurer.

"11-728. **Salary of City Treasurer.** The annual salary and compensation of the treasurer must be fixed by ordinance, and must be for all services rendered by such treasurer in any capacity, (except, however, in cases where a city of the third class or a town owns and operates a public utility or utilities and receives revenue therefrom as hereafter in this section provided) and no treasurer must be allowed any percentages or fees in addition thereto. In cities of the first class, the annual salary of the treasurer must not exceed *forty-five hundred dollars ($4500.00),* in cities of the second class must not exceed *thirty-one hundred dollars ($3100.00),* and in cities of the third class it must not exceed *fifteen hundred dollars ($1500.00),* and in towns it must not exceed *twelve hundred dollars ($1200.00);* provided, however, that where a city of the third class, or a town shall own and operate a public utility or utilities such as water supply, water works, gas, lighting system, or utilities similar to the foregoing, and receives the revenue derived therefrom, then the treasurer of such city, or town, may be paid additional salary or compensation to be fixed by ordinance and the duties of the treasurer with reference to the collection and safekeeping of the revenues derived from such public utilities shall likewise be fixed by ordinance and the amount of such additional salary or compensation shall be in accordance with the additional duties and responsibilities placed upon the treasurer by reason of such public utility or utilities and shall be in such amount as the council may determine."

Amending clause.

Section 3. That section 11-729 of the Revised Codes of Montana, 1947, as amended by chapter 76 of the laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

Salary, city attorney.

"11-729. **Salary of City Attorney.** The annual salary and compensation of the city attorney must be fixed by ordinance, and must not exceed, in cities of the first class,

HeinOnline -- 1955 386 1955

four thousand five hundred dollars ($4,500.00), and in cities of the second class must not exceed three thousand dollars ($3,000.00), and in cities of the third class must not exceed one thousand eight hundred dollars ($1,800.00), which compensation shall be in full for all services rendered in any capacity, and no fee, percentage or additional compensation must be given to or allowed him."

Amending clause.

Section 4. That section 11-731 of the Revised Codes of Montana, 1947, as amended by chapter 76 of the laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

City or town clerk, salary.

"11-731. **Salary of City or Town Clerk.** The annual salary and compensation of the city or town clerk must be fixed by ordinance, and in cities of the first class must not exceed *five thousand four hundred dollars ($5,400.00);* in cities of the second class must not exceed *four thousand two hundred dollars ($4,200.00).* In cities of the third class the compensation must not exceed *two thousand seven hundred dollars ($2,700.00),* and in towns must not exceed *one thousand eight hundred dollars ($1,800.00),* provided, however, that nothing in this section shall be held or construed as applying to cities and towns operating under the commission form of government."

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1955.

CHAPTER 171

An Act Authorizing the State Fish and Game Commission to Issue Special Nonresident Antelope and Special Nonresident Deer Licenses, Fixing the Fees, and Powers and Duties Under Such Licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Special non-resident antelope and deer licenses authorized.

Section 1. The state fish and game commission may issue special nonresident antelope licenses and special nonresident deer licenses as provided for in subsection 15 of

HeinOnline -- 1955 387 1955

section 26-104 as amended. Such special licenses will be valid only for the area designated in the license, and shall expire annually on the thirtieth (30th) day of April. The fee for a special nonresident deer license shall be twenty dollars ($20.00) and the fee for a special nonresident antelope license shall be twenty dollars ($20.00). The tagging of game carcasses, as required by law, shall apply to all persons who purchased the special nonresident licenses herein provided. There shall be attached to each special nonresident antelope or deer license a permit which will authorize the holder thereof to ship or transport out of the state one (1) carcass of an animal for which such license was issued.

Fees.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective until Dec. 31, 1956.

Section 3. This act shall be in full force and effect until December 31, 1956.

Approved March 4, 1955.

CHAPTER 172

An Act to Amend Section 75-3308, Revised Codes of Montana, 1947, and Section 1 of Chapter 61, Laws of 1953, Relating to the Authority for Regulating Design, Construction and Operation of School Busses; and Meeting School Busses, Receiving and Discharging Children and Duty to Stop; to Provide for Qualifications of School Bus Drivers; to Define the Term of "Approved School Bus"; to Provide for the Marking of School Busses; to Provide for the Lighting of School Busses; to Provide for Traffic When School Busses Are Loading or Unloading; to Provide for the Stopping of School Busses when Crossing Railroad Tracks; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-3308 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 388 1955

Authority for regulating design, construction and operation of school busses.

"75-3308. **Authority for Regulating Design, Construction and Operation of School Busses.** (*1*) That the state board of education, by and with the advice of the supervisor of the Montana highway patrol and the superintendent of public instruction, shall adopt and enforce regulations not inconsistent with the motor vehicle code and the minimum standards for school busses, adopted by the national commission on safety education to govern the design, construction and operation of all school busses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state and such regulations shall by reference be made a part of any such contract with a school district.

School districts, contractors, subject to regulations.

"*(2)* Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations."

Certificate required.

(3) These regulations shall include provisions that no person shall drive or operate, or be employed or permitted to drive or operate, any school bus who has not received and filed with the county superintendent of schools a certificate from the board of trustees of the school district for which the school bus is to be driven or operated, certifying the following:

Contents of certificate.

a. That he is at least nineteen (19) years of age.

b. That he is of good moral character.

c. That he is the holder of a chauffeur's license.

d. That he has filed with the board of trustees a satisfactory physical examination signed by a licensed physician in the State of Montana on a blank provided by the state board of education.

"Approved school bus" defined.

(4) The term "approved school bus" shall mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated and under contract for transportation of children to or from school.

Approved bus to be marked.

(5) Every approved school bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight (8) inches in height.

HeinOnline -- 1955 389 1955

When a school bus is being operated upon a highway for purposes other than actual transportation of children either to or from school or for school functions, all markings thereon indicating "school bus" shall be covered or concealed.

Board of education authorized to adopt regulations.

(6) The Montana state board of education is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school busses, consistent with the provisions of this act, but supplemental thereto; except that such standards and specifications may designate and permit the use of flashing warning lights on school busses for the purpose of indicating when children are boarding or alighting from any said bus. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

When flashing signal to be used.

It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus.

Amending clause.

Section 2. That section 1 of chapter 61, laws of 1953, be, and the same is hereby amended to read as follows:

Approaching vehicle must stop when children boarding or leaving school bus.

"Section 1. The driver of a vehicle, when approaching the front or rear of a school bus that has come to a stop on a highway outside the limits of an incorporated city or town, and is receiving or discharging school children, shall stop such vehicle not less than ten (10) feet from such school bus and keep said vehicle stationary until such children have entered such school bus or have alighted and reached the side of the highway *on which they live, and the school bus has resumed motion, or the driver has signalled traffic to proceed."*

If on other road of divided roadway, or loading zone need not stop.

The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway, or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

HeinOnline -- 1955 390 1955

The driver of any school bus carrying any school child, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet, but not less than fifteen (15) feet, from the nearest rail of such railroad and while so stopped shall open door and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

Bus must stop for railroad crossings.

No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

Exception, where traffic control operates.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1955.

CHAPTER 173

An Act to Amend Section 91-104, Revised Codes of Montana, 1947, Relating to Who May Take by Will; and to Testamentary Dispositions to Natural Persons and to the United States of America, the State of Montana, Counties and Municipal Corporations Thereof; and to Religious Congregations or Churches, Incorporated or Unincorporated, Benevolent, Charitable, Scientific, Literary, Educational, or Fraternal Societies, Associations or Lodges; and to Corporations Heretofore or Hereafter Formed, for Religious, Benevolent, Charitable, Scientific, Literary, Educational or Fraternal Purposes; and to Corporations Heretofore or Hereafter Formed for the Operation or Conduct of Hospitals, Homes, and Units and Facilities Thereof; for the Care of Aged, Sick or Infirm Adults, or for the Care and Custody of Children, Including Children Born Out of Wedlock, Orphans, Sick, Crippled, Infirm, Dependent, Neglected or Abandoned Children; and to Corporations Heretofore or Hereafter Formed for the Public Preservation of Forests and Na-

HeinOnline -- 1955 391 1955

tural Scenery; and to Maintain Public Libraries, Museums, Art Collections, Historical Sites and Areas, and Public Playgrounds and Recreational Areas; and Authorizing Devises, Bequests, and Other Testamentary Dispositions to or for Any Thereof; and, Also, Authorizing Gifts, Grants and Donations of Property of All Kinds to or for Any Thereof and Declaring Any Thereof Competent to Take and Receive the Same by Any Such Means; and Preserving the Rights of the State of Montana and Its Institutions Under Sections 91-105 and 91-106, Revised Codes of Montana, 1947; and to Make This Act Retroactive to the Extent That It Shall Apply to All Estates Which Remain Undistributed at the Time of the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 91-104, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Who may take by will, enumerated.

"91-104. (6977) **Who May Take by Will.** A *devise or a bequest, or both, or other* testamentary disposition may be made to*:*

(a) Any *natural* person capable of taking the property so disposed of, *or to any one or more of any of the following:*

(b) To the United States of America, to any instrumentality of the United States of America, to the State of Montana, to any county in and of the State of Montana, and to municipal corporations in and of the State of Montana; or,

(c) To religious congregations, or churches, incorporated or unincorporated, including religious corporations sole; or,

(d) To unincorporated, benevolent, charitable, scientific, literary, educational or fraternal societies, associations or lodges, or to branches, chapters and units of any thereof, and to charities; or,

(e) To corporations heretofore or hereafter formed for benevolent, charitable, scientific, literary, educational, or fraternal purposes, or any thereof, or for hospital or sanitarium purposes; or,

HeinOnline -- 1955 392 1955

(f) To corporations heretofore or hereafter formed for the operation and conduct of hospitals, or home or homes, or facilities, for the care of aged, sick or infirm adults, or for the care and custody of children, including children born out of wedlock, orphans, sick, crippled, infirm, dependent, neglected or abandoned children and minors; or directly to a hospital, home or homes by name or other description, and such devises or bequests to or for a hospital, home or homes, shall be construed to apply to the corporation owning or operating the same, or to the board of trustees or directors (however designated) of hospitals, home or homes, owned or operated by nonincorporated organizations or associations, and in any case for the benefit of the hospital, home or homes, as an institution and its humanitarian services; or,

(g) To corporations heretofore or hereafter formed primarily for the public preservation of forests and natural scenery; or,

(h) To corporations heretofore or hereafter formed to acquire, maintain or operate public libraries, public museums, or public art galleries, or historical sites or areas, or for public playgrounds, or recreation areas, or for other public purposes; and any one or more of any of such persons, governments, governmental agencies, religious congregations or churches (incorporated or unincorporated, including religious corporations sole), unincorporated associations, societies, lodges, or corporations heretofore or hereafter formed, mentioned or referred to in clauses (a) through (h) above, are hereby declared competent to take and receive property of all kinds by devise, bequest, or any other form of testamentary disposition."

Any one or more of the foregoing, whether incorporated or unincorporated, may take, accept and receive gifts, grants and donations by any other lawful means.

Not to be construed to eliminate state and institutions.

Section 2. Nothing herein contained shall be construed to repeal, restrict, qualify or limit, the provisions of sections 91-105 and 91-106, Revised Codes of Montana, 1947, referring to the State of Montana and its institutions, and enabling the state and its institutions to take by testamentary disposition, devise, bequest, gift or grant, and enabling any person over the age of eighteen (18) years to make donations, gifts, grants, bequests, devises and tes-

HeinOnline -- 1955 393 1955

tamentary dispositions to the State of Montana and its institutions, as in said sections 91-105 and 91-106, Revised Codes of Montana, 1947, set forth.

Retroactivity established.

Section 3. This act is hereby expressly declared to be retroactive to the extent that it shall apply to all estates which remain undistributed at the time of the effective date of this act.

Modified repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed, except as herein preserved.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1955.

CHAPTER 174

An Act to Provide for an Importer's Tax on Persons Who Purchase Gasoline Outside the State of Montana and Use the Gasoline Within the State to Operate Motor Vehicles Upon the Public Highways; Providing for Monthly Statements by Importers; Providing for Payment of the Tax and for Penalties; Providing That the State Board of Equalization Has Power to Make Statements, and to Examine the Books, Records and Papers; Defining Terms; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Providing importer's tax, terms and conditions.

Section 1. Every importer who brings in to this state in the fuel tanks of any motor vehicle more than twenty (20) gallons of gasoline, purchased outside the state and used to operate the vehicle upon the public highways and streets of the state, shall pay the state gallonage tax on all such gasoline in excess of twenty (20) gallons unless, under an arrangement approved by the state board of equalization, he shall purchase within the state gasoline equal to such excess. Within thirty (30) days after the close of each month, he shall file with the state board of equalization a report, on such forms and under such rules and regulations as the state board of equalization may prescribe, of all such gasoline imported by him so used within this state,

HeinOnline -- 1955 394 1955

and shall at the same time pay to the state board of equalization the amount of tax due for such month.

Monthly statements required.

Section 2. The statements required in this act shall be filed for each month regardless of whether or not the same shows purchases during any month and regardless of whether or not a tax is due.

Manner of payment.

Disposition of funds.

Section 3. All payments of taxes imposed by this act shall be made by certified check, cashier's check, bank draft, or money order, payable to the state board of equalization, who shall retain five percent (5%) of the funds collected in payment of the license tax to defray cost of administration, and the remaining ninety-five percent (95%) shall be remitted monthly, on or before the fifteenth (15th) day of the month after collection, to the treasurer of the State of Montana for deposit in the state highway fund.

"Importer" defined.

Section 4. The term "importer" shall mean any person who purchases or obtains gasoline outside the state and uses same within the state, and who operates a motor vehicle equipped with fuel tanks containing more than twenty (20) gallons of gasoline purchased outside the state and used to operate the vehicle upon the public highways and streets of the state.

Terms defined.

Section 5. All other words and terms used in this act, including the word "person," "motor vehicle," "gasoline" and "use," unless otherwise indicated in this act, shall have the same meaning given to said words by section 84-1801, Revised Codes of Montana, 1947, and any amendments thereto.

Penalty.

Section 6. If any importer fails, neglects, or refuses to make any statement required for any month, or to pay the license tax due for any month, within the time prescribed for the filing of such statement or the payment of such tax, there shall automatically accrue a penalty equal to one-tenth of one cent (.1¢) on each gallon of gasoline purchased during that month, the amount of such penalty shall in no case be less than five dollars ($5.00), or, if no purchases were made, a penalty of five dollars ($5.00), such penalty to be paid or collected in the manner hereinafter provided.

Notice by board of equalization.

The state board of equalization shall notify any importer that fails, neglects or refuses to make any statement re-

HeinOnline -- 1955 395 1955

quired for any month within the time prescribed for the filing of such statement or the payment of such tax, of such failure and if the required statement is not filed or payment of tax is not made within ten (10) days from the date of such notification, there shall automatically accrue a penalty equal to one cent (1¢) on each gallon of gasoline purchased during that month, the amount of which penalty shall in no case be less than twenty-five dollars ($25.00), or, if no purchases were made, a penalty of twenty-five dollars ($25.00), such penalty to be paid or collected in the manner hereinafter provided.

Board may estimate where no statement or false statement.

Section 7. If any importer fails or refuses to make and file a return at the time prescribed in this act, or make, wilfully or otherwise, an erroneous, false, or fraudulent statement, the state board of equalization, or its duly appointed agent, shall make the statement from its or his own knowledge and from such information as it or he can obtain through testimony or otherwise. Any statement so made shall be prima facie good and sufficient for all legal purposes. As a further means of making the statement, the state board of equalization or its duly appointed agent, shall have the power to examine the books, records and papers of such importer, to ascertain the amount of tax due under the provisions of this act. From the statement so made, the state board of equalization shall determine the amount of tax due, if any, and shall add the penalty provided herein for failure to pay the tax or to file the return within the time prescribed for the payment of such tax or the filing of such return, and shall notify the importer, of the amount of tax and penalty assessed together with a demand for immediate payment of the tax and penalty. If such tax and penalty is not paid within thirty (30) days, the treasurer of the State of Montana shall proceed to collect such tax and penalty in the manner prescribed in section 84-1807, Revised Codes of Montana, 1947.

Board has power of examination.

Procedure for enforcement.

Criminal penalty.

Section 8. Each importer, who fails, neglects, or refuses to make and file the statements required by this act in the manner or within the time herein provided, or shall make any false statements with reference to his purchase of gasoline and use of gasoline within the State of Montana, shall be deemed guilty of having committed a misdemeanor and upon conviction thereof, shall be fined in

HeinOnline -- 1955 396 1955

any amount not exceeding one thousand dollars ($1,000.00), or imprisonment in the county jail for not to exceed six (6) months, or shall be punished by the imposition of both such fine and imprisonment.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1955.

CHAPTER 175

An Act to Amend Section 4, Chapter 219, Laws of 1951, Relating to Time for Payment of Fees — Half Fee After July First; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4, chapter 219, laws of 1951, be, and the same is hereby amended to read as follows:

Time for payment of fees—by residents or non-residents.

"Section 4. Residents of the State of Montana, *or nonresidents,* who own trucks, trailers or semitrailers, busses or new passenger automobiles and operate the same upon the highways of the State of Montana shall at the time they make application for their Montana license as provided for in section 53-114, Revised Codes of Montana, 1947, pay the fees herein prescribed; provided that said residents *or nonresidents* who make application for a license after the first day of July of any year shall pay one-half (½) of the fees provided for herein."

One-half fee after July 1.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 176

An Act to Amend Section 11-1821, Revised Codes of Montana, 1947, as Amended by Chapter 69, Session Laws of Montana, 1951, and Chapter 45, Session Laws of Mon-

HeinOnline -- 1955 397 1955

tana, 1953, Relating to the Payment of Police Reserves and Providing That, in Any Event, upon the Death of Any Policeman or Any Officer On the Active List or Reserve List of Any City or Town, His Surviving Dependent Widow Shall be Paid From the Police Reserves Fund a Sum Equal to One-half the Salary Such Policeman or Officer Was Receiving During a Stipulated Period.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-1821 of the Revised Codes of Montana, 1947, as amended by chapter 69, session laws of Montana, 1951, and chapter 45, session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Payment of police reserves.

"11-1821. (5108.5) **Payment of Police Reserves.** (1) Whenever any policeman or officer shall from age or disability become transferred from the active list of the police officers of any city or town to the reserve list of such city or town, he shall thereafter be paid in monthly payments from the funds in this act provided for, a sum equal to one-half (½) the salary he was receiving during the year prior to the time he passed to the police reserve list.

One-half salary to widow of officer on active or reserve list.

"(2) Upon the death of any policeman or any officer *on the active list or reserve list* of any city or town, his surviving dependent widow, if there be such a surviving widow, shall, as long as she remains his widow, be paid, from the police reserves' fund, a sum equal to one-half (½) the salary such policeman or officer was receiving during the year prior to the *date of his demise or prior to the date* such policeman or officer passes to the police reserve list. No surviving widow shall be entitled to payments under the provisions of this act if she be fifteen (15) years younger than her husband, unless she shall have been married to and living with her husband for ten (10) years immediately preceding his death. If such policeman or officer shall leave a dependent minor child, or dependent minor children, then upon the death of such policeman or officer, providing he leaves no surviving widow, or upon the death or remarriage of his widow, or if his widow be fifteen (15) years younger than her husband and shall not have been married to and living with her husband for the ten (10) years immediately preceding his death, then

Conditions of payment to widow.

Payment to dependent minor child in certain cases.

HeinOnline -- 1955 398 1955

his surviving dependent minor child, or dependent children, collectively, if there be more than one dependent minor child, shall be paid the same monthly payments as are herein provided to be paid to the surviving widow, until such minor child, or minor children, shall have attained the age of eighteen (18) years or shall have married; provided further that the payments herein provided for to be made to the surviving widow and/or children shall not be made if such payments will require an increase in the millage tax levy now provided for by section 11-1823.

Payment if more than one dependent minor child.

"(3) Payments as herein provided for, to be made to the minor child or children of police officers shall be paid to the duly appointed, qualified and acting guardian of such child or children, for the use of such minor, until such minor shall have reached the age of eighteen (18) years or shall have married and in case there is more than one minor child, upon each such child reaching the age of eighteen (18) years the pro rata payments to such child shall cease and shall be made to the remaining minor child or children until the youngest child shall reach the age of eighteen (18) years or shall have married.

Child's payments to guardian.

Pro rata decrease on attainment of majority.

"(4) The term 'policeman,' or 'police officer,' as herein used shall include all those on the reserve list, as well as 'active police,' 'police officer,' and/or 'patrolman.'"

Terms defined.

Approved March 4, 1955.

CHAPTER 177

An Act to Amend Section 2, Chapter 219, Laws of 1951, Relating to Additional Fees on Trucks, Truck-tractors, Trailers and Semitrailers From Other States; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2, chapter 219, laws of 1951, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 2. *Additional Fees on Trucks, Truck-tractors, Trailers and Semitrailers from Other States.* In *lieu of* other fees for the licencing of vehicles, there shall be collected *a fee* for each motor truck, truck-tractor, trailer and semitrailer licensed for that year in another jurisdic-

A fee for out-of-state vehicles in lieu of other fees.

HeinOnline -- 1955 399 1955

tion and operated upon an itinerant basis in this state upon each entrance into the State of Montana, based upon the application of the *nonresident operator,* a fee to be computed as follows:

Lieu fees enumerated.

Five dollars ($5.00) for each trip for the first *two* hundred (*200*) miles or less, *seven dollars and fifty cents ($7.50)* for each trip over *two* hundred (*200*) miles, *and up to four hundred (400) miles or less, ten dollars ($10.00) for each trip over four hundred (400) miles,* on any vehicle or *on each truck, truck-tractor, semitrailer and full trailer in a* combination of *said* vehicles of over six thousand (6,000) pounds gross weight; provided, however, such fees shall not apply to any trailer the principal use of which is living quarters, temporary or permanent *or to any vehicle of a carnival which is under contract with a state, county or district fair association."*

Proviso— living quarters or certain carnival vehicles excepted.

Highway commission may make rules on trip permits.

Such temporary trip permits shall contain such information and be in such form and shall be issued under such rules and regulations as may be prescribed by the state highway commission, and shall be displayed at all times while such vehicle is being operated on the highways of this state by posting the same upon the windshield of each such vehicle or in another prominent place thereon where it may be readily legible. Provided further, that the state highway commission may limit the operation of such vehicles in this state to a definite period of time and provided further that each trip shall be defined as the total number of miles traveled within the State of Montana.

Display of permit.

Limitations.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 178

An Act to Amend Section 66-505, Revised Codes of Montana, 1947, Relating to Requirements Necessary to Make Application for a License to Practice Chiropractic, and Providing for Applicants After March 15, 1959, to Present Evidence of Completion of Two (2) Years of College or University Work.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 400 1955

Section 1. That section 66-505, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"66-505. (3142) **Applications to Practice — Fees for License.** Any person wishing to practice chiropractic in this state *shall* after March 5, 1951 make application to said board of chiropractic examiners through the secretary-treasurer thereof, and upon such form and in such manner as may be prescribed and directed by the board, at least fifteen (15) days prior to any meeting of said board. Each applicant shall be a graduate of a *college of chiropractic approved by said board of chiropractic examiners in which he shall have attended a course of study of four (4) school years of not less than nine (9) months each, and after March 15, 1959, shall present evidence showing completion of two (2) full academic years of college or university work from an institution acceptable to the Montana state board of education; provided however, that those who are now duly licensed to practice chiropractic under the laws of the State of Montana shall not be affected by this provision.* Application shall be made in writing and shall be sworn to by some officer authorized to administer oaths, and shall recite the history of applicant's educational qualifications, *and* how long he has studied chiropractic, of what school or college he is a graduate, *and* the length of time he has been engaged in practice, accompanying the same with proofs thereof, in the shape of diplomas, certificates, etc., and shall accompany said application with satisfactory evidence of good character and reputation. Applications to practice chiropractic. Qualifications. Contents.

"There shall be paid to the secretary-treasurer of the state board of chiropractic examiners, by each applicant for a license, a fee of twenty-five dollars ($25.00), ten dollars ($10.00) of which shall accompany application and the remainder, fifteen dollars ($15.00) shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application." Fees.

Approved March 3, 1955.

CHAPTER 179

An Act to Amend Section 40-1201, Revised Codes of Montana, 1947, Relating to the Composition of the State In-

HeinOnline -- 1955 401 1955

surance Commission, by Providing the State Controller Shall be a Member Thereof in Lieu of the State Accountant Which Office No Longer Exists; Providing for the Composition of Said Commission in the Event the Office of State Controller Should be Abolished or His Functions Transferred to Another Office or Officer Providing the State Treasurer Shall be a Member Thereof in Lieu of the Chairman of the State Board of Equalization; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 40-1201, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State insurance commission.

"40-1201. **State Insurance Commission — Duties.** There is hereby created a commission to be known as 'the state insurance commission,' which said commission shall be composed of the state auditor ex officio commissioner of insurance, acting as chairman of said commission, state *controller* and the *state treasurer,* all of whom shall perform the duties of the said commission without additional compensation or remuneration*; provided, that if the state controller's office should be abolished or his functions transferred to another office or officer, the successor to the duties and responsibilities of the state controller shall forthwith succeed to membership on said state insurance commission.* The said commission shall convene at such time and place as may be designated in a notice of meeting served upon the members thereof by the chairman of said commission, which said notice shall be served not less than twenty-four (24) hours before the date of said meeting. Two (2) members of said commission shall constitute a quorum, and a majority vote of all members present shall authenticate any action taken by said commission."

Controller and treasurer added.

Proviso— succession to controller.

Meetings.

Quorum.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1955.

HeinOnline -- 1955 402 1955

CHAPTER 180

An Act to Encourage Industrial Development in Montana; Appropriating Funds to Continue Experiments and Studies by the Engineering Experiment Station for Commercial Utilization, Classification and Testing for Such Utilization, Montana's Vast Coal and Lignite Resources.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. It is the intention of the legislative assembly by this act to encourage and assist in the project for the study of commercial utilization of Montana's coal and lignite being conducted at Montana state college, to maintain and improve the present ten ton per day demonstration char plant now located at the state college, and to encourage the industrial development of Montana, and industrial utilization of Montana's natural resources; to point the way to development of the vast coal and lignite deposits now lying unutilized.

Coal and lignite experiment project established at Bozeman.

Purpose.

Section 2. There is hereby established at the Montana state college at Bozeman an experiment project for the purpose of procuring and testing samples of coal and lignite from the various coal and lignite fields throughout Montana, and for carrying out effective scientific and practical research work to the end of developing as complete and accurate a knowledge of Montana's coal and lignite; and the various processes for commercial utilization of such coal and lignite, including the continuation of present experiments in the conversion of coal and lignite into coal chemicals and chars.

Supervision of project.

Duties.

Section 3. The experimental project shall be under the supervision and direction of the engineering experiment station of Montana state college, and the director of the engineering experiment station shall have general supervision control and responsibility over the functions of the coal utilization experiment project, and is directed to keep complete records and files on the said project and to make available such records and information to the public and to private industries now developing or which may in the future seek to develop the coal and lignite resources of Montana; provided, however, there shall be reserved to

HeinOnline -- 1955 403 1955

Reservation of rights to Montana.

the State of Montana such patent or other rights, as may be availed of, by reason of said experiment project.

Appropriation.

Section 4. In order to continue present experimentation on development of commercial utilization of coal and coal by-products and to pay for repair or replacement of the equipment used in such project, salaries, materials and expenses of the said project, there is hereby appropriated out of any money in the general fund of the State of Montana not otherwise appropriated, for the fiscal year beginning July 1, 1955, and ending June 30, 1956, the sum of twenty thousand dollars ($20,000.00); and for the fiscal year beginning July 1, 1956, and ending June 30, 1957, the sum of twenty thousand dollars ($20,000.00). Payments from such appropriations are to be made in the same manner as are other payments from funds appropriated to Montana state college.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 181

An Act to Amend Section 88-133 of the Revised Codes of Montana of 1947, Relating to Satisfaction of Warehouseman's Lien — Advertisement and Sale of Goods and Distribution of Proceeds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 88-133 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Satisfaction of warehouseman's lien.

"88-133. (4111) **Satisfaction of Warehouseman's Lien — Advertisement and Sale of Goods and Disposition of Proceeds.** A warehouseman's lien for a claim which has become due may be satisfied as follows:

Notice.

The warehouseman shall give written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known

HeinOnline -- 1955 404 1955

place of business or abode of the person to be notified. The notice shall contain —

(a) An itemized account of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due; Account.

(b) A brief description of the goods against which the lien exists; Description of goods.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten (10) days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and Demand.

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

"In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lein was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two (2) consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen (15) days from the time of the first publication*; provided, however,* that if there is no newspaper published in such place *or if no newspaper published in such place will publish the advertisement provided for herein,* the advertisement shall be posted at least ten (10) days before such sale in not less than six (6) conspicuous places therein. Sale. Publication of advertisement of sale. Posting.

"From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on Disposition of proceeds.

HeinOnline -- 1955 405 1955

demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

Claim of goods, terms.

"At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit."

Approved March 4, 1955.

CHAPTER 182

An Act to Provide for the Payment of Fees and Issuance of Special Permits on Vehicles Engaged in a Single Movement on the Public Highways of This State; Providing for the Fees for Issuance of Special Permits; Providing That Such Permits Be for the Transit of the Vehicle Only and for One (1) Transit Only; Providing That the Special Permits Shall Be Issued by the County Treasurer; Providing That the Fees Collected Under This Act Shall Belong to the General Road Fund of the County; Providing for the Effective Date of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Fee for single transit of vehicle.

Section 1. When any vehicle subject to license is to be moved upon the public highways of this state, from one point to another, the county treasurer may issue a special permit therefor upon application presented to him in such form as shall be approved by the registrar of motor vehicles and upon payment therefor of a fee of five dollars ($5.00). Such permit shall be for the transit of the vehicle only, and the vehicle shall not, at the time of such transit, be used for the transportation of any persons, *except the driver,* or property whatsoever, for compensation or otherwise, and shall be for one (1) transit only between the points of origin and destination as set forth in the application.

HeinOnline -- 1955 406 1955

Section 2. All fees collected under this act shall belong to the general road fund of the county and be for the use and benefit of that fund. Disposition of fee.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 4, 1955.

CHAPTER 183

An Act to Provide for the Payment of Fees and Issuance of Identification Plates to Persons, Firms and Corporations Moving Special Mobile Equipment Occasionally Over the Highways; Providing for the Fees for Issuance of Identification Plates; Providing for the Collection of Such Fees by the County Treasurer; Providing for Display of Identification Plates and Receipts for Same on Each Piece of Equipment; Providing for Deposit of Such Funds From Identification Plates in the General Road Fund of the County; Providing for Exemption of Publicly-owned Special Mobile Equipment From Said Fees; Defining Special Mobile Equipment; Providing for Expiration Date of Identification Plates.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, firm, partnership, or corporation who owns, leases, or rents special mobile equipment as hereinafter defined, and occasionally moves said equipment on, over, or across the highways of the State of Montana shall not be subject to registration of said equipment nor be required to pay the fees and charges provided for by chapter 219 of the session laws of the thirty-second legislative assembly of the State of Montana, 1951, as the same is now, or may hereafter be, amended, but prior to any movement on the highways, each piece of such equipment shall display an equipment identification plate attached thereto. Annual application for the identification plate shall be made to the county treasurer prior to or before any such piece of equipment is moved over the highway, on a form furnished by the registrar of motor Special fee for special mobile equipment. Identification plate.

HeinOnline -- 1955 407 1955

vehicles, together with the payment of a fee of five dollars ($5.00). The fees collected under this act shall belong to the general road fund of the county and be for the use and benefit of that fund. Provided, that publicly-owned special mobile equipment and equipment and implements of husbandry designed and used exclusively by an owner in the conduct of his own farming operations are exempt from the provisions of this act.

County treasurer to issue single plate.

Section 2. The county treasurer shall issue to each applicant a single metal plate with a distinguishing number and a receipt for the fee collected, which receipt shall contain the name and address of the applicant, the number of the plate issued, the serial number of the equipment and a brief description of the same.

Treasurer's receipt to be available for inspection.

Section 3. The receipt shall be carried in a suitable container attached to the equipment or immediately available for inspection of any peace officer or highway patrolman.

"Special mobile equipment" defined.

Section 4. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction equipment or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section; provided, that the term "special mobile equipment" does not include any of the following:

Certain vehicles excepted.

(a) A vehicle such as a truck, truck-tractor, trailer, or semitrailer, originally designed for the transportation of persons or property to which machinery has been attached;

(b) Dump truck and truck-mounted transit mixers, or any rubber-tired truck or trailer, self-propelled, or towed, from which machinery can be removed and such vehicle used to transport persons or property.

Expiration date on identification plates.

Section 5. The identification plate for special mobile equipment shall expire on December thirty-first of each year in which it was issued.

Approved March 4, 1955.

HeinOnline -- 1955 408 1955

CHAPTER 184

An Act to Amend Section 91-1723 of the Revised Codes of Montana, 1947, Authorizing Receivers, Assignees, Trustees, Guardians, Committees, Executors, Administrators, or Curators, or Other Persons Holding Positions of Judicial Trust to Include as a Part of the Lawful Expense of Executing Their Trust, the Cost of Procuring Bonds, and to Allow Parties Litigant to Recover Such Expenditures as Costs; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 91-1723 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Cost of procuring bonds an administrative expense.

"91-1723. (10106) **Cost of Procuring Bonds.** Any receiver, assignee, guardian, trustee, committee, executor, administrator, curator, or other fiduciary required by law, or the order of any court or the judge thereof, to give a bond or other obligation as such, may include, as a part of the lawful expense of executing his trust, such reasonable sum paid a company authorized under the laws of this state to be or become surety on any such bond, for becoming his surety on such bond or obligation, as may be allowed by the court in which, or a judge before whom, he is required to account, not exceeding *the sum determined by the rate established for the same or comparable bonds or obligations by a nationally recognized rating bureau licensed in this state*; and in all actions and proceedings the party entitled to recover costs therein shall be allowed and may tax and recover such sum paid such company for executing any bond, recognizance, undertaking, stipulation, or other obligation, not exceeding, however, *the sum determined by the rate established therefor by a nationally recognized rating bureau licensed in this state.*"

Limitation on cost.

To be recovered as suit costs.

Limitation.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1955.

HeinOnline -- 1955 409 1955

CHAPTER 185

An Act to Repeal Section 26-209 of the Revised Codes of Montana, 1947, Relating to Additional Nonresident License; Section 26-323 of the Revised Codes of Montana, 1947, Relating to Costs; Sections 26-326, 26-327, 26-328 and Section 26-329 of the Revised Codes of Montana, 1947, Relating to Alien Gun License; Section 26-604 of the Revised Codes of Montana, 1947, Relating to Disposal of Fish Increasing in Numbers in Lake County; Section 26-1003 of the Revised Codes of Montana, 1947, Relating to Transportation of Persons or Property; Section 26-1004 of the Revised Codes of Montana, 1947, Relating to Duties of Grand Juries, District Judges and Sheriffs; Section 26-1005 of the Revised Codes of Montana, 1947, Relating to Duties of Court and Prosecuting Officers; Section 26-1203 of the Revised Codes of Montana, 1947, Relating to Hours of Fishing in Georgetown Lake; and Section 26-1204 of the Revised Codes of Montana, 1947, Relating to Penalties.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing certain sections of 1947 Codes.

Section 1. That section 26-323 of the Revised Codes of Montana, 1947, section 26-326 of the Revised Codes of Montana, 1947, section 26-327 of the Revised Codes of Montana, 1947, section 26-328 of the Revised Codes of Montana, 1947, section 26-329 of the Revised Codes of Montana, 1947, section 26-604 of the Revised Codes of Montana, 1947, section 26-1003 of the Revised Codes of Montana, 1947, section 26-1004 of the Revised Codes of Montana, 1947, section 26-1005 of the Revised Codes of Montana, 1947, section 26-1203 of the Revised Codes of Montana, 1947, and Section 26-1204 of the Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Approved March 4, 1955.

CHAPTER 186

An Act to Amend Section 75-201 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 168 of the Session Laws of the State of Montana of 1951 and by Section 1 of Chapter 226 of the Session Laws of the State of Montana of 1953; Section 75-202 of the

HeinOnline -- 1955 410 1955

Revised Codes of Montana, 1947, as Amended by Section 2 of Chapter 226 of the Session Laws of the State of Montana of 1953; Section 75-203 of the Revised Codes of Montana, 1947, as Amended by Section 2 of Chapter 168 of the Session Laws of the State of Montana of 1951 and Section 3 of Chapter 226 of the Session Laws of the State of Montana of 1953; Section 75-204 of the Revised Codes of Montana 1947, as Amended by Section 3 of Chapter 168 of the Session Laws of the State of Montana of 1951 and by Section 4 of Chapter 226 of the Session Laws of Montana of 1953; Section 75-205 of the Revised Codes of Montana, 1947, as Amended by Section 4 of Chapter 168 of the Session Laws of the State of Montana of 1951 and by Section 5 of Chapter 226 of the Session Laws of the State of Montana of 1953; and Section 75-206 of the Revised Codes of Montana, 1947, as Amended by Section 5 of Chapter 168 of the Session Laws of the State of Montana of 1951, and Section 6 of Chapter 226 of the Session Laws of the State of Montana of 1953, All Relative to the Erection of Residence Halls and Other Facilities at Institutions of Higher Education Controlled by the State Board of Education Without Obligating the State of Montana and Without Using State Funds; Repealing Conflicting Acts and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-201 of the Revised Codes of Montana, 1947, as amended by section 1 of chapter 168 of the session laws of the State of Montana of 1951 and by section 1 of chapter 226 of the session laws of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

Board of education may erect, equip and manage self-financing facilities at institutions.

"75-201. (836.1) **Erection of Self-financing Facilities at Institutions Controlled by the State Board of Education.** At state institutions of higher education under its control the state board of education, for the good of the institution concerned from time to time, is authorized to:

"(a) Acquire, erect, equip, enlarge and improve residence halls, dormitories, dining rooms or halls, refectories, commons, health service buildings, armories, gymnasiums, auditoriums or theaters, field houses, student unions, game and entertainment properties, classroom or laboratory

HeinOnline -- 1955 411 1955

buildings, libraries, shops, storage buildings, *and livestock or other arenas, or display or exhibition areas, or pavilions.*

"(b) Rent the rooms in such residence halls and provide board and other services to the students, officers, guests and employees of said institutions at such rates as will insure a reasonable excess of income over operating expenses as well as provide for debt service and reserves; and provide for the collection of charges, admissions, or fees for the use of other facilities by students and other persons, *which charges, admissions and fees shall not be deemed to be tuition within the meaning of section 75-506 of the Revised Codes of Montana, 1947, and may be collected from any or all students;*

Charges not construed as tuition.

"(c) Hold the funds derived from the operation of such residence halls and other facilities and devote the same to repairs, replacements, betterments, debt service, and reserves or, so far as the same may not be obligated, to the acquisition, erection, equipping, enlarging, or improvement of additional residence halls and other facilities; and

"(d) Exercise full control and complete management of such residence halls and other facilities."

Amending clause.

Section 2. That section 75-202 of the Revised Codes of Montana, 1947, as amended by section 2 of chapter 226 of the session laws of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

Title to be in name of state.

"75-202. (836.2) **Title to Be in Name of State.** The title to all real estate and improvements acquired and erected under the provisions of this act shall be taken and held in the name of the State of Montana, except that title to fixtures and equipment purchased on a time or installment basis may remain in the vendor until the latter has been paid *and except that title to real estate may be taken in the name of any of the governing boards of any of the state institutions of higher education subject to lease, pledge, mortgage, conveyance, or other or similar real estate or financial obligation or transaction by such board at any time to procure funds by borrowing or otherwise, or to provide security or satisfaction in whole or part for obligations incurred, for the purposes of the institution involved.*"

Except, equipment on installment purchase.

Except, conditional title may be in name of governing board.

Amending clause.

Section 3. That section 75-203 of the Revised Codes of Montana, 1947, as amended by section 2 of chapter 168 of

HeinOnline -- 1955 412 1955

the session laws of the State of Montana of 1951 and by section 3 of chapter 226 of the session laws of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

"75-203. (836.3) **Provisions for Carrying Out Powers.** In carrying out the above powers, said board may:

What board may do in executing powers.

"(a) Borrow money *for any purpose or purposes of this chapter, including, if deemed desirable by the state board of education, the payment of interest during construction and for one (1) year thereafter and the creation of a reserve for the payment of bond principal and interest;* make purchases on a time or installment basis; *refund bonds theretofore issued by the state board of education, including provision for the payment of any redemption premium thereon and any interest accruing or to accrue to the date of redemption thereof, any refunding bonds issued under the authority of this section to mature and to bear interest at such rate or rates as the state board of education shall deem to be for the best interests of the institution concerned; and combine for financing purposes any facilities mentioned in section 75-201;*

"(b) Pledge, issue *notes, bonds, or other securities, negotiable or otherwise,* secured by, otherwise obligate, or make purchases with the use of (1) the net income received from rents, board, or both in the residence halls and from other facilities, (2) receipts from student building, activity, union, and other special fees prescribed by the board, and (3) other income in the form of gifts, bequests, contributions, federal grants of funds including the proceeds or income from grants of lands or other real or personal property, receipts from athletic contests, and collections of admissions and other charges for the use of facilities;

"(c) Make payments on loans or purchases from any other available income not obligated for such purposes including receipts from sales of materials, equipment, and fixtures, of such facilities or of sale of the facilities themselves other than land.

"(d) Secure any bonds authorized hereunder by a trust indenture between the state board of education and any

HeinOnline -- 1955 413 1955

bank or trust company within or without the State of Montana; and

"(e) Sell any bonds authorized hereunder in such manner and for such price as the state board of education, with the approval of the state board of examiners, shall determine."

Amending clause.

Section 4. That section 75-204 of the Revised Codes of Montana, 1947, as amended by section 3 of chapter 168 of the session laws of the State of Montana of 1951, and section 4 of chapter 226 of the session laws of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

State not to become obligated for payments.

"75-204. (836.4) **State Not to Become Obligated for Payments.** No obligation created hereunder shall ever be or become a charge against the State of Montana, but all such obligations, including *the* principal and interest *thereon,* shall be payable solely from the sources herein stated and authorized."

Amending clause.

Section 5. That section 75-205 of the Revised Codes of Montana, 1947, as amended by section 4 of Chapter 168 of the session laws of the State of Montana of 1951 and by section 5 of chapter 226 of the session laws of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

Facilities to be treated separately at each institution. Rents, income separate.

"75-205. (836.5) **Use of Rents and Income Relating to Institution — Where Derived.** In creating or discharging obligations under the preceding sections, *the facilities at one institution shall be treated separately from the facilities at another institution;* and income available at one institution shall not be used to discharge obligations created for residence halls or other facilities at another institution."

Amending clause.

Section 6. That section 75-206 of the Revised Codes of Montana, 1947, as amended by section 5 of chapter 168 of the session laws of the State of Montana of 1951, and section 6 of chapter 226 of the session laws of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

No other state funds to be used.

"75-206. (836.6) **State Funds Not to Be Used.** For the purposes authorized in the preceding sections no state funds appropriated by the legislative assembly for specific

HeinOnline -- 1955 414 1955

purposes other than those authorized in this chapter shall be used or obligated. This shall not apply however to funds derived from the sources specified in subsection (b) of section 75-203.''

Exception.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 4, 1955.

CHAPTER 187

An Act to Amend Section 14-121 of the Revised Codes of Montana, 1947, Relating to Reserves of Credit Unions, to Provide That When the Regular Reserve Established Thereunder Shall Equal Ten (10) Per Cent of the Total Shareholdings, No Further Transfer of Net Earnings to Such Regular Reserve Shall be Required Except Such Amounts Less Than Twenty (20) Per Cent of Net Earnings as May be Needed to Maintain Such Ratio; and Providing for the Establishment of Special Reserves When Required by the State Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 14-121 of the Revised Codes of Montana be amended to read as follows:

Amending clause.

''14-121. (6109.32) **Reserves.** All entrance fees, (which may be provided by the by-laws for failure to make repayments on loans and payments on shares when due), and each year, before the declaration of a dividend, twenty per centum (20%) of the net earnings, shall be set aside as a reserve fund which shall be kept liquid and intact and not loaned out to members, and shall belong to the corporation to be used as a reserve against bad loans and not be distributed except in case of liquidation; *provided, however, that when the regular reserve thus established shall equal ten per centum (10%) of the total amount of members' shareholdings, no further transfer of net earnings to such regular reserve shall be required except such amounts not in excess of twenty per centum (20%) of the net earnings as may be needed to maintain this ten*

'Credit union reserve funds to be kept intact.

Proviso— a ratio of 10% of shareholdings to be maintained.

HeinOnline -- 1955 415 1955

State examiner may require special reserves.

per centum (10%) ratio. In addition to such regular reserve, special reserves to protect the interests of members shall be established when required by the state examiner."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 188

An Act to Amend Section 28-109 of the Revised Codes of Montana, 1947, Relating to the Duty of Owner of Classified Forest Land, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 28-109, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Forest land owner to provide fire protection.

"28-109. Every owner of forest land classified as such by the board is hereby required to furnish protection against the starting or existence, and to suppress the spread, of fire on such land during the full period of each forest fire season defined by this act. Such protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection to be prescribed by the board. If such owner does not provide for such protection and suppression, said board may provide the same, at a cost of not less than one cent (1¢) or more than *eight* (8¢) cents per acre per annum, and in the event thereof, the owner of such land shall pay to the county treasurer of the county in which such land is situated, the charge for the same approved by the board, in accordance with the provisions of this act; provided, that for the purposes of this section, any legal subdivision of not more than one hundred sixty (160) acres of forest land classified as such by the board, to be designated by the owner, shall be deemed by the board to be protected by the owner if more than one-half (½) thereof is within the radius of one (1) mile of a permanent habitation occupied throughout the fire season either by the owner or by someone under the owner's direction, and provided further that the starting, existence and spread of fire on

Where not provided board may do so.

Owner to pay cost.

What is deemed protection.

HeinOnline -- 1955 416 1955

said designated legal subdivision, without immediate and reasonable measures for suppression being taken by said owner or under his direction, shall be prima facie evidence that protection is not being furnished by said owner, and the board shall thereupon provide protection and suppression in accordance with the provisions of this section."

When fire prima facie evidence of non-protection.

Section 2. This act shall take effect and be in full force from and after its passage and approval.

Effective immediately.

Approved March 4, 1955.

CHAPTER 189

An Act Providing for the Prosecution of Careless, Reckless and Negligent Hunters, and for Imposing of Penalties Upon Conviction Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any person who, in the act of pursuing, taking or killing game animals or game birds, shall act in a careless or reckless manner, or with wanton disregard of human life or property, *or who knowingly fails to give all reasonable assistance to any person whom he has injured or wounded,* shall, upon conviction thereof, be deemed guilty of a misdemeanor, and upon conviction thereof, be punished as provided *by law.*

Penalty for reckless hunting—failure to assist person injured.

Approved March 4, 1955.

CHAPTER 190

An Act to Amend Chapter 2 of Title 8, and Particularly Sections 8-201, 8-202, 8-204, 8-205, 8-206, and 8-207 of the Revised Codes of Montana of 1947, All Relating to Pipe Line Carriers of Oil; by Including and Making Provision for Transportation of Petroleum Products; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 8-201 of the Revised Codes of Montana of 1947, be, and the same is hereby, amended to read as follows:

Amending clause.

HeinOnline -- 1955 417 1955

Defining common carriers of oil.

"**Common Carriers of Oil Defined.** Every person, firm, corporation, limited partnership, joint-stock association or association of any kind whatever:

Adding products of crude petroleum.

"(a) Owning, operating, or managing any pipe line or any part of any pipe line within the State of Montana, for the transportation of crude petroleum *or the products thereof* to or for the public for hire, or engaged in the business of transporting crude petroleum *or the products thereof* by pipe lines; or

"(b) Owning, operating, or managing any pipe line or any part of any pipe line for the transportation of crude petroleum *or the products thereof,* to or for the public for hire, and which said pipe line is constructed or maintained upon, along, over, or under any public road or highway; or

"(c) Owning, operating, or managing any pipe line or any part of any pipe line or pipe lines for transportation to or for the public for hire, of crude petroleum *or the products thereof,* and which said pipe line or pipe lines is or may be constructed, operated, or maintained across, upon, along, over, or under the right of way of any railroad, corporation, or other common carrier required by law to transport crude petroleum *or the products thereof* as a common carrier; or

"(d) Owning, operating, or managing, or participating in ownership, operation, or management, under lease, contract of purchase, agreement to buy or sell, or other agreement or arrangement of any kind whatsoever, any pipe line or pipe lines, or any part of any pipe line, for the transportation from any oil field or place of production within the State of Montana to any distributing, refining, or marketing center or reshipping point thereof, within this state, of crude petroleum *or the products thereof,* bought of others; or

"(e) Made a common carrier by or under the terms of contract with or in pursuance of the law of the United States, is hereby declared to be a common carrier and subject to the provisions hereof, but the provisions of this act shall not apply to those pipe lines which are limited in their use to the wells, stations, plants and refineries of the owner and which are not a part of the pipe line transportation system of any common carrier as herein defined;

HeinOnline -- 1955 418 1955

nor shall such provisions apply to any property of such a common carrier which is not a part of or necessarily incident to its pipe line transportation system."

Amending clause.

Section 2. That section 8-202 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Pipelines public utilities.

"**Pipe Lines Public Utilities — Jurisdiction.** It is declared that the operation of these pipe lines, to which this act applies, for the transportation of crude petroleum *or the products thereof,* in connection with the purchase or purchase and sale of such crude petroleum *or the products thereof,* is a business in mode of the conduct of which the public is interested, and as such is subject to regulation by law; and accordingly it is provided that from and after the expiration of thirty (30) days from the time this law takes effect the business of purchasing, or of purchasing and selling crude petroleum *or the products thereof,* using in connection with such business a pipe line of the class subject to this act to transport the crude petroleum *or the products thereof* so bought or sold shall not be conducted, unless such pipe line so used in connection with such business be a common carrier within the purview of this law and subject to the jurisdiction herein conferred upon the board of railroad commissioners of Montana. It shall be the duty of the attorney general to enforce this provision by injunction or other adequate remedy."

Adding petroleum products.

Amending clause.

Section 3. That section 8-204 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Railroad commission to establish rates on petroleum or products.

"**Establishment of Rates — Hearing — Complaints.** The board of railroad commissioners of Montana shall have the power to establish and enforce rates of charges and regulations for gathering, transporting, loading, and delivering crude petroleum *or the products thereof* by such common carrier in this state, and for the use of storage facilities necessarily incident to such transportation and to prescribe and enforce rules and regulations for the government and control of such common carriers in respect to their pipe lines and receiving, transferring and loading facilities, and it shall be its duty to exercise such power upon petition by any person showing a substantial interest in the subject. No order establishing or prescribing rates,

HeinOnline -- 1955 419 1955

Hearing and notice.

rules, and regulations shall be made except after hearing and at least ten (10) days' and not more than thirty (30) days' notice to the person, firm, corporation, partnership, joint-stock association, or association owning or controlling and operating the pipe line or pipe lines affected. In the event any rate shall be filed by any pipe line and complaint against same or petition to reduce same shall be filed by any shipper, and such complaint be sustained, in whole or in part, all shippers who shall have paid the rates so filed by the pipe line shall have the right to reparation or reimbursement of all excess in transportation charges so paid over and above the proper rate as finally determined on all shipments made after the date of the filing of such complaint."

Amending clause.

Section 4. That section 8-205 of the Revised Codes of Montana of 1947, be, and the same is hereby, amended to read as follows:

Commission may require connections.

"**Railroad Commissioners May Require Connections — Facilities — Rules.** Every common carrier as above defined shall exchange crude petroleum tonnage *or petroleum products tonnage* with each like common carrier, and the board of railroad commissioners of Montana shall have the power to require such connections and facilities for the interchange of such tonnage to be made at every locality reached by both pipe lines whenever a necessity therefor exists and subject to such rates and regulations as may be made by the board of railroad commissioners of Montana; and any such common carrier under like rules and regulations shall be required to install and maintain facilities for the receipt and delivery of crude petroleum *or the products thereof* of patrons at all points on such pipe line. No carrier shall be required to receive or transport any crude petroleum *or the products thereof* except such as may be marketable under rules and regulations to be prescribed by the board of railroad commissioners of Montana which they are hereby empowered and required to prescribe. The board of railroad commissioners of Montana is also empowered and required to make rules for the ascertainment of the amount of water and other foreign matter in *crude* oil *or the products thereof* tendered for transportation, and for deduction therefor and for the amount of deduction to be made for temperature, leakage and evaporation. It is provided, however, that the recital herein of

Requirement for facilities.

Commission to make rules on amount of water in oil or products, and other factors.

HeinOnline -- 1955 420 1955

particular powers on the part of said board of railroad commissioners of Montana shall not be construed to limit the general powers conferred by this act. Until set aside or vacated by some decree or order of a court of competent jurisdiction, all orders of the board of railroad commissioners of Montana as to any matter within its jurisdiction shall be accepted as prima facie evidence of their validity."

No limitation on scope of rules.

Section 5. That section 8-206 of the Revised Codes of Montana of 1947, be, and the same is hereby, amended to read as follows:

Amending clause.

"**Tariffs and Reports — Board's Authority to Hear Complaints — Witnesses — Enforcement of Orders by Board.** Such common carriers of crude petroleum *or the products thereof* shall make and publish their tariffs under such rules and regulations as may be prescribed by said board of railroad commissioners of Montana, the board of railroad commissioners of Montana shall require them to make reports and may investigate their books and records kept in connection with such business. The board of railroad commissioners of Montana shall require of such common carrier pipe lines monthly reports, duly verified under oath, of the total quantities of crude petroleum *or the products thereof* owned by such pipe lines and of that held by them in storage for others, as also of their unfilled storage capacity, provided no publicity shall be given by the board of railroad commissioners of Montana to the reports as to stock of crude petroleum *or the products thereof* on hand of any particular pipe line; but the board of railroad commissioners of Montana in its discretion may make public the aggregate amounts held by all the pipe lines making such reports, and of their aggregate storage capacity. The board of railroad commissioners of Montana shall have the power and authority to hear and determine complaints, to require attendance of witnesses, and to institute suits and sue out such writs and process as may be necessary for the enforcement of its orders."

Tariffs and reports.

Hearing complaints.

Enforcement of orders.

Section 6. That section 8-207 of the Revised Codes of Montana of 1947, be, and the same is hereby, amended to read as follows:

Amending clause.

"**Discrimination Prohibited — Establishment of Rates.** No such common carrier in its operations as such shall discriminate between or against shippers in regard to fa-

Discrimination prohibited.

HeinOnline -- 1955 421 1955

cilities furnished or service rendered or rates charged under same or similar circumstances in the transportation of crude petroleum *or the products thereof;* nor shall there be any discrimination in the transportation of crude petroleum *or the products thereof* produced or purchased by itself directly or indirectly. In this connection the pipe line shall be considered as a shipper of the crude petroleum *or the products thereof* produced or purchased by itself directly or indirectly and handled through its facilities. No such carrier in such operation shall directly or indirectly charge, demand, collect, or receive from any one a greater or less compensation for any service rendered than from another for a like and contemporaneous service; provided, this shall not limit the right of the board of railroad commissioners of Montana to prescribe rates and regulations different from or to some places from other rates or regulations for transportation from or to other places, as it may determine; nor shall any carrier be guilty of discrimination when obeying any order of the board of railroad commissioners of Montana. When there shall be offered for transportation more crude petroleum *or the products thereof* than can be immediately transported, the same shall be equitably apportioned. The board of railroad commissioners of Montana may make and enforce general or specific regulations in this regard. No such common carrier shall at any time be required to receive for shipments from any person, firm, corporation, or association of persons, exceeding three thousand (3,000) barrels of petroleum *or the products thereof* in any one day."

Establishment of rates.

Limitation on daily quantity for one shipper.

Severability clause.

Section 7. If any of the provisions of this act shall be held unconstitutional, or for any reason shall be held void, such holding shall not have the effect to nullify the remaining parts or provisions of this act, but the parts not so held to be void shall nevertheless remain in full force and effect.

Repealing clause.

Section 8. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 191

An Act to Amend Section 75-3407, as Amended by Chapter 189 of the Session Laws of the Thirty-second Legislative

HeinOnline -- 1955 422 1955

Assembly of the State of Montana of 1951, Relating to the Schedule for Paying for Individual and Bus Transportation, Rent or Board in Lieu of Bus Transportation Provided by the School District; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for the Act to Take Full Force and Effect From and After the Date of Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-3407 (h) as amended by chapter 189 of the session laws of the thirty-second legislative assembly, be, and the same is hereby amended to read as follows:

Board of trustees may pay board, rent or transportation.

"Section 75-3407. **Schedule for Paying for Individual and Bus Transportation, Rent or Board in Lieu of Bus Transportation Provided by the District.** The board of trustees may pay to the parents or legally appointed guardian of each child, eligible to transportation under this act, board or rent or provide transportation for the child, the amount called for under the following schedule in lieu of furnishing bus transportation:

Payment schedule in lieu of transportation.

(a) Three (3) and less than five (5) miles, one (1) child, thirty cents ($0.30) per day for each day attended; for each additional child, twelve cents ($0.12), but not to exceed sixty-six cents ($0.66) per day for all children residing in the same household and attending a public school.

(b) Five (5) to less than seven (7) miles, one (1) child, thirty-six cents ($0.36); for each additional child twelve cents ($0.12) but not to exceed eighty-four cents ($0.84) per day for all children residing in the same household and attending a public school.

(c) Seven (7) to less than twelve (12) miles, one (1) child, forty-eight cents ($0.48); for each additional child twelve cents ($0.12); but not to exceed one dollar and eight cents ($1.08) per day for all children residing in the same household and attending a public school.

(d) Twelve (12) miles or over, one child, sixty cents ($0.60) per day; for each additional child twelve cents ($0.12); but not to exceed one dollar and twenty cents ($1.20) per day for all children residing in the same household and attending a public school.

HeinOnline -- 1955 423 1955

(e) School children living within one and one-half (1½) miles of an established bus route shall not be eligible for transportation aid, other than the services of the established route. Children living more than one and one-half (1½) miles but less than three (3) miles from such route shall receive transportation aid of one-half (½) the rates given in subsection (a) of the schedule set up in this section. Children living three (3) miles or more from such bus route shall receive transportation aid on the basis provided in the schedule fixed in this section.

Construction of schedule.

(f) This schedule shall not be so construed as to permit elementary and high school pupils to be counted as coming from separate households, except, when said children are compelled to attend public schools in entirely separate communities, and cannot thus be transported in the same conveyance, nor cared for in the same community.

(g) The limitations for this act shall not apply to transportation within the city or school district when the board of trustees finds it economical, convenient or desirable to transport children for a distance less than three (3) miles in order to relieve congestions in a school building or to prevent the erection of new buildings, or when children live on an established school bus route and less than three (3) miles from school.

Schedule may be altered for cause.

(h) In isolated cases where due to isolation pupils must live away from home to attend school or due to excessive distances, impassable roads or special circumstances where parents cannot transport their children payments in accordance with the above schedule are inadequate and adherence to such schedule would subject the parents or guardians of a school child or the child himself to financial or physical hardship the schedule may be altered by the county transportation committee subject to written approval by the state superintendent of public instruction; provided, that, in no case shall the altered schedule allow more than thirty dollars ($30.00) per month for one child, twelve dollars ($12.00) per month for the second child, and six dollars ($6.00) per month for each child in addition to two (2) from the same family. A degree of isolation chart shall be provided school district trustees by the state superintendent of public instruction to serve as a guide in requesting increased transportation due to isolation.

HeinOnline -- 1955 424 1955

Procedure for alteration of schedule.

The applicant for such alteration of the schedule shall submit a written statement in duplicate to the board of trustees of the district which is obligated to make payment for transportation or services in lieu thereof, and to the county transportation committee through the county superintendent, stating the special facts and circumstances upon which he relies to justify the alteration. *The county transportation committee shall act on the application regardless of the approval or disapproval by the board of trustees of the district wherein such application was initiated.*

Transportation committee to act on application.

If such application be approved by the county transportation committee and alterations of the schedule will result in increased payments to be made by the state to the district, the application and pertinent data and the decision of the county transportation committee shall be submitted to the state superintendent of public instruction for final approval or disapproval.

(i) Except as provided above, this schedule shall not be altered by any authority, other than the legislative assembly of the State of Montana.

Reimbursement from state funds, maximums.

(j) Schedule for maximum expenses for bus transportation to be reimbursed from state funds. The maximum expenditures which may be reimbursed to any school district from the state public school equalization fund for school bus transportation furnished by any school district either by the operation of a school bus or busses, owned or hired by it, or by contract with a school bus operator, over an official bus route, established by the board of trustees, approved by the county transportation committee and the state superintendent of public instruction and in a vehicle approved under the regulations of the state board of education by the state highway patrol shall be as follows:

1. For a vehicle having a rated capacity of six (6) pupils or less, twelve cents ($0.12) per bus mile.

2. For a vehicle having a rated capacity of seven (7) to eleven (11) pupils inclusive, fifteen cents ($0.15) per bus mile.

3. For a vehicle having a rated capacity of twelve (12) to thirty (30) pupils inclusive, twenty cents ($0.20) per bus mile.

HeinOnline -- 1955 425 1955

4. For a vehicle having a rated capacity of over thirty (30) pupils the rate established by sub-section three (3) above plus the sum of one-half cent ($0.005) per bus mile traveled over the official route for each additional pupil rating in excess of thirty (30).

5. The rated capacity will be established by regulations adopted by the state board of education and for reimbursement purposes shall not exceed the number of pupils transported by twenty-five per cent (25%).

Limitation on duration of trip.

(k) No child attending public elementary school shall be required by any school board to ride a school bus, under average road conditions, more than one (1) hour per trip of said child in said school bus, without the consent of the child's parents or guardian.

Supervisor of transportation provided for.

(l) For the purpose of developing economy and efficiency in the transportation of school children, the state superintendent of public instruction shall be authorized with the approval of the state board of education to employ a competent person as supervisor of transportation. Not less than one-half (½) of his time shall be devoted to this service. The other time may be spent as provided by law or as otherwise provided. His salary and expenses shall be paid in proportion to time spent as transportation supervisor, from the transportation funds as approved by the state board of education."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1955.

CHAPTER 192

An Act to Amend 15-1701 (6651) of the Revised Codes of Montana, 1947, Relating to Requirements to Do Business in the State of Montana by Foreign Corporations or Joint Stock Companies Except Foreign Insurance Companies and Corporations Otherwise Provided For.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 426 1955

Amending clause.

Section 1. That 15-1701 (6651) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Foreign corporations doing business in state—requirements.

"15-1701 (6651). **Foreign Corporations — Requirements to Do Business in State.**

(1) All foreign corporations or joint stock companies, except foreign insurance companies and corporations otherwise provided for, organized under the laws of any state, or of the United States, or of any foreign government, shall before doing business within this state, file in the office of the secretary of state of Montana, a duly certified copy of their charter, or articles of incorporation, and also a statement, verified by oath of the president or a *vice-president* and *attested by the* secretary *or assistant secretary* of such corporation, *and attested by not less than three (3) of its board of directors,* showing:

Statement filed with secretary of state—contents of.

1. The name of such corporation and the location of its principal office or place of business without this state, and the location of the place of business or principal office within this state;

2. The names and residences of the officers, trustees, or directors;

3. The amount of capital stock;

4. The amount of capital invested in the state of Montana.

Copies filed with county clerk.

(2) A copy of such charter or articles of incorporation, and such statement, duly certified by said secretary of state, shall be filed in the office of the county clerk of the county wherein its principal office or place of business in this state will be located. Such corporation or joint stock company shall also file, at the same time, and in the same office, a certificate, under the seal of the corporation, and the signature of its president or a vice-president and its secretary, if there be one, certifying that the said corporation has consented to all the license laws and other laws of the State of Montana relative to foreign corporations and has consented to be sued in the courts of this state, upon all causes of action arising against it in this state, and that service of process may be made upon some person, a citizen of this state, whose name and place of

Certificate to be filed—contents.

HeinOnline -- 1955 427 1955

residence shall be designated in such certificate, and such service, when so made upon such agent, shall be valid service on the corporation or company.

Amendment of articles to be filed in 30 days.

(3) In case of alteration or amendment of the charter or articles of incorporation of any foreign corporation doing business in this state, it must, within thirty (30) days after the same is adopted by the corporation, file a duly certified copy of such amendment or alteration in the office of the secretary of state, and a copy thereof certified by said secretary of state in the office of the county clerk of the county where its principal office or place of business within this state is located.

Forfeiture for failure to comply.

(4) Any such corporation failing, neglecting, or refusing to file such duly certified copies of all alterations, or amendments, of its charter or articles of incorporation, or refusing to comply with any and all the laws of Montana relating to the payment of fees or licenses, shall forfeit its right to do business in this state and shall be subject to all the penalties, liabilities, and restrictions imposed by law upon foreign corporations for doing business in this state without filing duly certified copies of their charters, or articles of incorporation, in the manner required by law; provided, however, that any foreign corporation now doing business in this state and which has filed a duly certified copy or a duly authenticated copy of its charter or articles of incorporation and also the verified statement and the certificate required by this section and has paid to the secretary of state all fees that are required by law, and any corporation which has altered or amended its charter or articles of incorporation since first filing a duly authenticated or a duly certified copy of its charter or articles of incorporation with the secretary of state, and which has heretofore filed a duly authenticated or a duly certified copy of such alterations, *or* amendments in the office of the secretary of state and in the office of the county clerk of the county where it has its principal office or place of business in this state and has paid to the secretary of state all fees that are required by law, shall be deemed to have fully complied with the requirements of this act and any defects in such filing shall be deemed to be corrected hereby, and such corporation is duly and validly qualified as a foreign corporation and is authorized to engage in business in the State of Montana, and such corporation is exempt from

Proviso— for existing corporations.

HeinOnline -- 1955 428 1955

any penalties to which it may have been subject under the provisions of this act prior to this amendment."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 193

An Act to Amend Section 26-301, Revised Codes of Montana, 1947, as Amended by Chapter 223, Session Laws of 1953, Relating to Restrictions of the Manner of Taking and Possessing Fish and Game, and Powers of the Commission Relating Thereto, and Providing for the Commission to Regulate the Use of Firearms for the Taking of Upland Game Birds, and Prohibiting the Use of Aircraft in Killing, Taking, Shooting, Concentrating, Pursuing, Driving, Rallying or Stirring Up Any Game or Migratory Birds, Game or Fur-bearing Animals; and Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-301 of the Revised Codes of Montana, 1947, as amended by chapter 223 of the session laws of 1953, be, and the same is hereby amended to read as follows:

Restrictions on manner of taking fish and game.

"1. It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any *self propelled or drawn vehicle,* or on, or from any public highway in the State of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, salt lick, nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set, *nor may rifles be used to hunt or shoot upland game birds unless the use of rifles is permitted by the commission;* provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a *shotgun* only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured,

HeinOnline -- 1955 429 1955

or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set.

Use of aircraft or boat forbidden.

"2. *(a)* No game birds or game or fur-bearing animals shall be killed, taken or *shot at* from any *aircraft*, nor shall any *aircraft* be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail or any floating device towed by a powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory waterfowl, or game or fur-bearing animals.

"Spotting" from aircraft forbidden.

(b) No person in an aircraft in the air shall spot or locate any game, or migratory bird, game or fur-bearing animals and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person or persons then on the ground.

Firearm with silencer forbidden.

"3. No person shall take into a field or forest, or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.

Shotgun restricted.

"4. No person may use a shotgun to hunt, kill or shoot deer except with loads as specified by the commission.

Conditions on use of dogs.

"5. No person shall chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this state; provided, however, that livestock owners, employees of the state fish and game commission and of the *federal fish and wildlife service* may use dogs in pursuit of stock-killing bears, or other means of taking stock-killing bears except the use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve (12) hours apart; and provided further, that a person may take game birds during the open season *thereon* with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time

HeinOnline -- 1955 430 1955

upon obtaining written permission from the state fish and game *Director.*

"6. The state fish and game commission shall have the power to designate certain waters where set lines may be used to fish for certain species of game or non-game fish, and the commission may designate the number of hooks *and lines* and *the* length of line or lines which may be used as set lines.

Commission to designate set-line fishing waters.

"7. Game fish shall be taken only by angling, that is by hook and single line in hand or single rod in hand, or within immediate control; this does not prevent, however, *the snagging of sockeye salmon when the commission shall declare an open season when sockeye salmon may be taken by snagging, nor* the use of landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a net not to exceed twelve (12) feet in length and three (3) feet in width, in such waters as may be designated by the commission.

Game fish to be taken only by angling.

Exception: snagging sockeye salmon in season.

"8. It is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters in this state any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

Salmon eggs or spawn— possession unlawful.

"9. Whenever said fish and game commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the fish and game laws.

When orders or regulations effective.

"Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punishable as provided by *law.*"

Penalty.

Section 2. Any part or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1955.

HeinOnline -- 1955 431 1955

CHAPTER 194

An Act to Amend Sections 94-7821, 94-7822, and 94-7824 of the Revised Codes of Montana, 1947, by Substituting the Words 'Board of Pardons' for 'Board of Prison Commissioners' and Referring to the Provisions of the Probation, Parole and Executive Clemency Act; Providing for Investigation by Probation and Parole Officers Prior to Sentencing an Individual Convicted of a Crime, If Deemed Necessary by the Court; Providing the Sentences Courts Are Authorized by Law to Impose; Requiring Courts to Transmit to Board of Pardons Certain Statistical Data; Repealing Sections 94-7823, 94-7825, 94-7826, 94-7827, 94-7828, 94-7829 and 94-7830 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; Providing a Saving Clause; and Providing an Effective Date Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 94-7821 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"94-7821. **Court May Suspend Sentence, When.**

When court may suspend sentence.

"In all prosecutions for crimes or misdemeanors, except as hereinafter provided, where the defendant has pleaded or been found guilty, or where the court or magistrate has power to sentence such defendant to any penal or other institution in this state, and it appears that the defendant has never before been imprisoned for crime either in this state or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment), and where it appears to the satisfaction of the court that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and where it may appear that the public safety does not demand or require that the defendant shall suffer the penalty imposed by law, said court may suspend the execution of the sentence and place the defendant on probation in the manner hereinafter provided. Nothing in this act contained shall in any manner affect the laws providing the method of dealing with the juvenile delinquents. Any judge, who has suspended a sentence of imprisonment under this section, or his successor, is author-

HeinOnline -- 1955 432 1955

ized thereafter, in his discretion, during the period of such suspended sentence to revoke such suspension and order such person committed, or may, in his discretion, order the prisoner placed under the jurisdiction of the state *board of pardons* as provided by law, or retain such jurisdiction with his court as is authorized by him or his successor. Prior to such revocation of the order of such suspension, the person affected shall be given a hearing before said judge."

Board of pardons added.

Section 2. That section 94-7822 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"94-7822. **Suspension of Sentence — Copy of Judgment to be Mailed to *Board of Pardons* and Bureau of Identification.**

"When any judge has suspended a sentence of imprisonment as provided in section 94-7821, and has not ordered the prisoner placed under the jurisdiction of the state *board of pardons,* but has retained jurisdiction with the court, the clerk of said court shall nevertheless mail a full copy of the judgment of the court and the order suspending the sentence and certify the same to the state *board of pardons,* and bureau of identification at the state prison, or if the defendant would have been confined to an institution other than the state prison, then a copy shall be sent to the institution to which said court would have committed the defendant but for the suspending of the sentence."

Copy of judgment suspending sentence to board of pardons and bureau of identification.

Section 3. That section 94-7824 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"94-7824. **Effect of Suspended Sentence.**

"Whenever a sentence to any penal or other institution in this state has been imposed, but the execution thereof has been suspended and the defendant placed on probation, the effect of such order of probation shall be to place said defendant under the control and management of the state *board of pardons* and he shall be subject to the provisions of the probation, parole and executive clemency act."

Effect of suspended sentence.

Section 4. That sections 94-7823, 94-7825, 94-7826, 94-7827, 94-7828, 94-7829 and 94-7830 of the Revised Codes

Repealing clause.

HeinOnline -- 1955 433 1955

of Montana, 1947, and all acts and parts of acts in conflict herewith, be, and the same are hereby repealed.

Section 5. **Investigation.**

Investigation prior to sentencing.

No defendant convicted of a crime, the punishment for which may include imprisonment in the state prison, shall be sentenced or his case otherwise disposed of, until a written report of investigation by a probation and parole officer shall have been presented to, and considered by, the court, unless the court deems such report unnecessary. The court may, in its discretion, order a pre-sentence investigation for a defendant convicted of any lesser crime or offense. Whenever an investigation is required, the probation and parole officers shall promptly inquire into the circumstances of the offense, the attitude of the complainant, the social history, criminal record, and the present conditions of the defendant and his immediate family. All local and state police agencies shall furnish to the probation and parole officer such criminal records as the probation and parole officer may request. Where, in the opinion of the court or the investigating authority, it is found desirable, such investigation shall include a physical and mental examination of the defendant. If a defendant is committed to an institution, the investigating agency shall send a report of such investigation to the institution at the time of commitment.

Section 6. **Sentence.**

Sentence, scope of court's authority.

Whenever any person has been found guilty of a crime or offense upon verdict or plea, the court may adjudge as follows:

(1) Release the defendant on probation, (2) suspend the imposition or execution of sentence, (3) impose a fine as provided by law for the offense, (4) impose any combination of (1), (2), (3), or, (5) commit the defendant to a correctional institution with or without a fine as provided by law for the offense.

Section 7. **Information From Courts.**

Court to furnish information to board of pardons.

It shall be the duty of the court disposing of any criminal case to cause to be transmitted to the board of pardons statistical data in accordance with regulations issued by the board regarding all dispositions of defendants whether found guilty or discharged.

HeinOnline -- 1955 434 1955

Severability clause.

Section 8. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Effective April 1, 1955 Retrospective operation.

Section 9. This act shall be in full force and effect from and after April 1, 1955. The provisions of this act are hereby extended to all persons who, at the effective date hereof, may be on probation or parole, or eligible to be placed on probation or parole under existing laws with the same force and effect as if this act had been in operation at the time such persons were placed on probation or parole or became eligible to be placed thereon, as the case may be, provided that no person convicted and sentenced before the effective date shall have his rights and earned good time reduced by the application of this act.

Approved March 4, 1955.

CHAPTER 195

An Act to Add to Chapter 25, Title 93, Revised Codes of Montana, 1947, by Inserting Section 93-2516, Making the Provisions of Said Chapter 25, Title 93, Applicable to Certain Lands Heretofore Sold and Conveyed by the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Adding to Section 93-2516, R.C.M., 1947.

Section 1. That the following section be added to chapter 25, title 93, Revised Codes of Montana, 1947, as section 93-2516:

Chapter to apply to lands previously sold by state—with exceptions.

Section 93-2516. The provisions of this chapter shall apply to all lands heretofore sold and conveyed by the State of Montana for which a valid consideration was received by the state, provided, that the state, at the time of any such sale or conveyance, was not precluded by the constitution of Montana or by the terms of the grant of such lands by the United States from selling and disposing of the same; and provided further, that no occupant of a public way or other ground dedicated or appropriated by

HeinOnline -- 1955 435 1955

the state to public use, and not subject to sale, shall acquire by reason of his occupancy any title thereto.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 196

An Act to Amend Section 93-2502, Revised Codes of Montana, 1947, Providing When Actions for or in Respect to Real Property May be Brought by a Grantee From the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 93-2502 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Action can be brought by grantee of state after 10 years seizen.

"Section 93-2502. (9013) **When Actions Cannot Be Brought by Grantee From the State.** No action can be brought for or in respect to real property by any person claiming under letters patent or grants from this state, unless the *plaintiff, his ancestor, predecessor or grantor was seized or possessed of the property in question within ten (10) years before the commencement of the action. In any such action the State of Montana may be made a party defendant, and shall have only the defenses thereto as are available to other parties defendant to the action; provided that no judgment in any such action shall include damages, attorney fees or court costs against the State of Montana.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 197

An Act to Amend Section 4501 of Title 84 of the Revised Codes of Montana, 1947, Relating to Payment of License Fees Under Protest and Action to Recover and Repealing All Acts or Parts of Acts in Conflict Herewith.

HeinOnline -- 1955 436 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4501 of title 84, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Payment of license fees under protest.

"84-4501. (2409) *Payment of License Fees Under Protest — Action to Recover.* Whenever any license fee is demanded of any person for the use and benefit of the State of Montana, and the same is deemed unlawful by the person from whom the same is demanded, such person may pay the same, or so much thereof as may be deemed unlawful, under *written* protest, *specifying the grounds of protest,* to the state treasurer, who shall deposit the same in a special fund to be designated 'protest license fund;' and thereupon the person paying, or his legal representatives, may bring an action in a court of competent jurisdiction against the state treasurer *and against the state board of equalization,* to recover the same, without interest; provided, that any action instituted to recover any license paid under protest shall be commenced, *and summons and copy of complaint served,* within sixty (60) days after the date of payment thereof to the state treasurer *or to said state board of equalization.* If no action be commenced within such sixty (60) days, or if any action be so commenced and shall be finally decided in favor of the state treasurer, the amount of the license fee shall be by the state treasurer taken from such 'protest license fund' and deposited to the credit of the fund to which the same belongs, but if such action be finally decided adversely to the state treasurer, he shall, upon receiving a copy of the final judgment in said action, refund such license fee to the person in whose favor such judgment is rendered."

Action to recover— within 60 days.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1955.

CHAPTER 198

An Act Providing for the Classification of Lands, and the Appraisal of City and Town Lots and Rural and Urban Improvements in the State of Montana for Assessment and Taxation Purposes; Defining the Duties of the Boards of County Commissioners, County Assessors, and

HeinOnline -- 1955 437 1955

State Board of Equalization in Connection Therewith, Providing for a Tax Levy; and Repealing Sections 84-430 to 84-437 Inclusive, Revised Codes of Montana of 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of county commissioners to make classification and appraisal of lands.

Section 1. It is hereby made the duty of the board of county commissioners of the several counties of the State of Montana to accomplish, in such manner as the state board of equalization may direct, the following:

a. The classification of all taxable lands.

b. The appraisal of all taxable city and town lots.

c. The appraisal of all taxable rural and urban improvements.

Under direction of board of equalization.

A record thereof must be kept upon such maps, plats and forms, and entered in such books of record as may be prescribed by the state board of equalization. Such maps, plats, forms and books of record shall be official records of the county. A certified copy of all such records as may be desired shall be furnished to the state board of equalization, and the state board of equalization shall provide for the payment to the several counties of the cost of preparing such copy of the records so provided for, as they may require.

Classification, appraisal to be kept current.

After compliance with the other provisions of this act, it shall be the duty of the board of county commissioners to maintain current, the classification of all taxable lands, and appraisal of city and town lots, and rural and urban improvements, as provided for herein.

County commissioners to establish "classification and appraisal fund."

Levy provided.

Section 2. The board of county commissioners shall create and establish a fund to be known as the "classification and appraisal fund", and may levy annually a tax not to exceed *one-half (½)* mill upon all real property in the county subject to taxation, the proceeds of which shall be deposited by the county treasurer to the credit of such fund, and any balance unexpended at the end of any fiscal year shall remain in such fund and be available to carry out the provisions of this act. All costs and expenses incurred by the board of county commissioners for such work, labor, services and supplies required by this act, shall be paid by

HeinOnline -- 1955 438 1955

warrants drawn on said fund on claims approved by said board; and the board of county commissioners is hereby authorized to declare an emergency and issue such warrants in the manner provided by section 16-1907 of the Revised Codes of Montana of 1947.

Assessment to be based upon classification and appraisal.

Section 3. The county assessor must base the assessments of all lands, city and town lots, and all improvements on the classification and appraisal as made by the board of county commissioners.

Establishing time limit on classification and appraisal.

Section 4. It is the intent of this act that classification and appraisal be initiated expeditiously, but in no event later than July 1, 1955 and shall be completed not later than *five (5)* years from the effective date of this act.

Notice to be mailed owners.

Section 5. It shall be the duty of the board of county commissioners to cause to be mailed to each owner a notice of the classification of the land owned by him and the appraisal of the improvements thereon. If the owner of any land and improvements be dissatisfied with the classification of his land or the appraisal of the improvements, the board of county commissioners shall make such investigation as they deem necessary to determine the true and correct classification of such land or appraisal of improvements and when so determined, the land shall be classified and improvements appraised in the manner ordered by the board of county commissioners. *If any property owner shall feel aggrieved at the classification and appraisals so made by the board of county commissioners he shall have the right to appeal to the state board of equalization whose findings shall be final except as to the right of review in the proper courts.*

Appeal and procedure where dissatisfied.

Board of equalization to provide uniform method of classifying and appraisal.

Section 6. It is hereby made the duty of the state board of equalization to implement the provisions of this act by providing:

1. For a general and uniform method of classifying lands in the State of Montana for the purpose of securing an equitable and uniform basis of assessment of said lands for taxation purposes.

All lands shall be classified according to their use or uses and graded within each class according to soil and productive capacity. In such classification work, use shall be made of soil surveys and maps and all other pertinent

HeinOnline -- 1955 439 1955

available information. All lands must be classified by forty (40) acre tracts or fractional lots.

2. For a general and uniform method of appraising city and town lots.

3. For a general and uniform method of appraising rural and urban improvements.

Repealing clause.

Section 7. Sections 84-430 to 84-437, inclusive, of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1955.

CHAPTER 199

An Act to Amend Section 53-116, Revised Codes of Montana, 1947, Relating to Issuance of Receipt and Assignment of Number Plates; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-116, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Issuance of receipt and assignment of number plates—procedure.

"53-116. **Issuance of Receipt and Assignment of Number Plates.** Upon receipt of application for registration, *in quintuplet,* and payment of license fee and taxes as herein provided, the county treasurer shall file one copy of said application in his office; issue to the applicant *two (2) copies of the application entitled 'owner's certificate of registration and tax receipt' one (1) of which shall be marked 'file copy'; forward* one (1) copy to the county clerk and recorder; and he shall daily forward to the registrar of motor vehicles *one (1)* copy of *the* application for registration. The county treasurer shall also, and at the same time, assign such motor vehicle a distinctive number, viz., the license plate number, and deliver to the applicant two (2) license plates, as received from the registrar of motor vehicles which shall bear such distinctive numbers.

HeinOnline -- 1955 440 1955

The registrar shall ship said license plates to the various county treasurers by freight, so that they will be received by the county treasurer on or before January first of each year. It shall not be necessary for the county treasurer, in said receipt, to segregate the amount of said taxes for state, county, school district and municipal purposes."

Taxes not to be segregated by county treasurer.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 4, 1955.

CHAPTER 200

An Act to Amend Section 53-107, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 115, Laws of 1953, Relating to Certificates of Registration and Ownership — Contents, Issuance, Entry, Assignment of Numbers — Registration Card to be Signed, Carried and Exhibited on Demand; by Providing That the Certificate of Registration Shall be Made in Quintuplet and Providing That Two (2) Copies of Such Application Shall be Marked "Owner's Certificate of Registration and Tax Receipt", One (1) of Which Shall be Marked "File Copy"; by Providing That the Registrar May Return Certificate of Registration to County Treasurer for Correction of Errors; by Exempting Owners of Passenger Cars From Carrying or Exhibiting Certificate of Registration and Tax Receipt; and Repealing All Acts and Parts of Acts in Conflict herewith and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 53-107, Revised Codes of Montana, 1947, as amended by section 1, chapter 115, laws of 1953, be, and the same is hereby amended to read as follows:

Amending clause.

"53-107. **Certificates of Registration and Ownership — Contents, Issuance, Entry, Assignment of Numbers — *Owner's* Registration *Receipt* to Be Signed, Carried and Exhibited on Demand.** *Upon completion of the application for registration, in quintuplet, on forms furnished by the*

Certificate of registration and ownership.

HeinOnline -- 1955 441 1955

Two copies to applicant by county treasurer.

registrar of motor vehicles, the county treasurer shall issue to the applicant two (2) copies of the application marked 'owners certificate of registration and tax receipt', one (1) of which shall be marked 'file copy', and forward one (1) copy of the application to the registrar of motor vehicles who shall cause to be entered the information contained in said application upon the corresponding records of his office and shall furnish the applicant a certificate of ownership, and said owner shall at all times retain possession of the certificate of ownership, except when the same is being transmitted to and from the registrar of motor vehicles for endorsement or cancellation. In the event the said certificate of ownership be in the possession or under the control of any person other than the person entitled to operate and possess the motor vehicle the same must be surrendered to the person entitled to operate and possess such motor vehicle, upon demand, and refusal shall constitute a misdemeanor. At the same time, he shall issue to any conditional sales vendor, or other person holding the legal title to the vehicle, or any mortgagee thereof, or other lien holder, a statement of the filing of such conditional sales contract, mortgage or other lien, said certificate of registration and ownership shall meet the following requirements:

Procedure on issuance.

Contents.

The certificate of registration and the certificate of ownership shall each contain upon the face thereof: (1) the date issued, (2) the registration number assigned to the owner and the vehicle, (3) the name and complete address of the owner and the name and complete address of any conditional sales vendor, and also the name and address of any other lienor as shown by said application, (4) a description of the registered vehicle including the year built and serial number, if any, (5) any lien against such motor vehicle and the amount due at the date of registration, and such other statement of facts as may be determined by the registrar.

Registrar to re-check application.

Upon receipt of the application the registrar shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county treasurer to effectively secure the correction of such error, who shall return the same to the registrar of motor vehicles.

The reverse side of the certificate of ownership shall

HeinOnline -- 1955 442 1955

contain a form of notice to the registrar of a transfer of title or interest of the owner and such other statement on forms as may be determined by the registrar.

Receipt of owner's certificate to be signed, carried, excepting passenger cars.

Owner's certificate of registration *receipt* to be signed, carried, and exhibited on demand. (a) Every owner, *except owners of passenger cars,* upon *receiving* a registration *receipt* shall write his signature thereon with pen and ink in the space provided. Every such registration *receipt or a notarized photostatic copy thereof or a duplicate thereof furnished by the registrar of motor vehicles* shall at all times be carried in the vehicle, *except passenger cars,* to which it refers or shall be carried by the person driving or in control of such vehicle, *except passenger cars,* who shall display the same upon demand of a police officer or any officer or employee of the registrar of motor vehicles or the highway department. (b) The provisions of this section requiring that a registration *receipt* be carried in the vehicle to which it refers or by the person driving the same shall not apply when such *receipt* is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle.

Proviso.

What "motor vehicle" includes.

The term 'motor vehicle' includes automobile, truck, motorcycle, semitrailer, trailer and trailer-house.

Trailers, numbers.

Any trailer, semitrailer or trailer-house which does not have a manufacturer's or other identifying number thereon shall be assigned an identification number by the registrar upon registration of such motor vehicle. The owner or other person lawfully in possession of such motor vehicle shall stamp such number so assigned by the registrar upon the principal right frame member of said motor vehicle near the front end thereof where it may be clearly and readily seen, and said stamping shall be promptly accomplished after notice of the assigned number by the registrar. The registrar may withhold registration until satisfactory proof, by affidavit, of such stamping is filed with him."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective June 30, 1955.

Section 3. This act shall be in full force and effect from and after June 30, 1955.

Approved March 4, 1955.

HeinOnline -- 1955 443 1955

CHAPTER 201

An Act Providing for Educational Opportunities for the Children of Members of the Armed Forces of the United States Killed While in the Armed Services of the United States or Dying as the Result of Disabilities or Diseases Incurred While in Said Service, Since September 16, 1940, or Hereafter During the Present National Emergency, Namely, the Korean Conflict, and Providing an Appropriation Therefor; Repealing Section 5, Chapter 27 of the Session Laws of the Thirty-third Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

"War Orphans' educational fund" created, $10,000.00 appropriated.

Purpose and eligibility requirements.

Section 1. The sum of ten thousand dollars ($10,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of creating and maintaining a "war orphans' educational fund" from which shall be paid, in whole, the charges for the matriculation, tuition, board, room rent, books and supplies of such of the children of members of the armed forces of the United States who served on active duty after September 16, 1940, or shall hereafter serve on active duty during the continuance of the present national emergency, namely, the Korean conflict, and who, at the time of entry into such service, had legal residence in this state, and who were heretofore, or shall hereafter be, either killed in action or shall have died as the result of injury, disease, or other disability incurred while in the service of the armed forces of the United States, as are now attending or may hereafter attend any of the units of the greater university of Montana during the period ending June 30, 1957, provided any such child shall enter such institution prior to attaining the age of twenty-one (21) years.

Board of education to determine eligibility.

Section 2. The state board of education shall determine the eligibility of any such child who shall make application for the benefits provided for in this act, and a finding by the United States veterans' administration that any such member was killed in action or died as the result of injury or other disability incurred in action shall be binding upon said board, but in the absence of such finding said board of education shall determine the facts.

HeinOnline -- 1955 444 1955

Section 3. The state board of education shall satisfy itself of the attendance of any such child at any such institution, and as to the accuracy of the charges submitted to said board by the authorities of any such institution on account of attendance thereof of any such child.

Supervision of attendance and charges.

Section 4. Said state board of education shall determine the amount to be allotted to any such child. The sum allotted shall be paid directly to the institution attended by such child, upon due presentation of a claim therefor bearing the approval of the state board of education endorsed thereon.

Determination of allotment.

Section 5. That section 5, chapter 27 of the session laws of the thirty-third legislative assembly be, and the same is hereby repealed.

Repealing Section 5, Chapter 27, Laws of 1953.

Approved March 5, 1955.

CHAPTER 202

An Act to Amend Section 25-231, Revised Codes of Montana, 1947, as Amended by Chapter 90 of the Session Laws of the Thirty-third Legislative Assembly of Montana, 1953, Relating to the Fees Which Must be Charged and Collected by the County Clerks, and Providing the Fee to be Charged Where Recording is Done by Photographic or Similar Process.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 25-231 (4917), Revised Codes of Montana, 1947, as amended by chapter 90 of the session laws of the thirty-third legislative assembly of Montana, 1953, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 25-231. (4917) **Fees of County Clerks.** The fees of county clerks, which must be charged and collected for the use of their respective counties, are as follows:

Fees of county clerks enumerated.

For recording and indexing each instrument of writing allowed by law to be recorded; except as hereinafter provided;

For first folio, thirty cents (30¢) and for each subsequent folio or fraction thereof, fifteen cents (15¢);

HeinOnline -- 1955 445 1955

For each entry in index, ten cents (10¢);

For certificate that such instrument has been recorded with seal affixed, fifty cents (50¢);

For recording and indexing each real estate mortgage, assignment, renewal, or release of real estate mortgage;

For each folio, twenty cents (20¢);

For each entry in index, ten cents (10¢);

For certificate that such mortgage, assignment or release has been recorded with seal affixed, fifty cents (50¢);

For recording and indexing each certificate of location of quartz or placer mining claim, millsite claim, or notice of appropriation of water, including certificate that such instrument has been recorded with seal affixed, two dollars ($2.00);

For recording and indexing each affidavit of annual labor on mining claim, including certificate that such instrument has been recorded with seal affixed, one dollar ($1.00) for the first mining claim in said affidavit, and twenty-five cents (25¢) for each additional mining claim described and included therein;

For filing and indexing each chattel mortgage, affidavit of renewal of chattel or real estate mortgage, assignment or release of chattel mortgage, a writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, fifty cents (50¢);

For filing and indexing each certificate of incorporation or annual statement of any corporation, one dollar ($1.00).

For recording and platting each town site or map:

For each lot up to and including one hundred, twenty-five cents (25¢);

For each additional lot in excess of one hundred, five cents (5¢);

For recording the field notes of survey of any townsite, per folio, twenty-five cents (25¢).

Fee for photographic or similar process.

Provided that in all cases where recording is done by photographic or similar process the fee to be charged by the county clerk and recorder for filing and indexing the

HeinOnline -- 1955 446 1955

same shall be one dollar ($1.00) for each page or fraction thereof of said instrument.

For a copy of any record or paper, for each folio, fifteen cents (15¢) and for each certification with seal affixed, fifty cents (50¢); provided, that in all cases where copies of any record or paper are to be certified by the county clerk and such copy is furnished to said clerk for certification, said clerk shall not make a charge nor receive a fee for the comparison of such copy, other than the fee of fifty cents (50¢) for his certificate and seal.

For searching any index record of files of the office, for each year when required, in abstracting or otherwise, fifteen cents (15¢);

For each entry of discharge or satisfaction of mortgage, lien, or other instrument on the margin of record thereof, or upon the original instrument, and noting same in the indexes concerned, twenty-five cents (25¢);

For administering an oath with certificate and seal he shall make no charge.

For taking and certifying an acknowledgment, with seal affixed, for signature thereto he shall make no charge.

For filing or recording or indexing any other instrument not herein expressly provided for, the same fee as hereinbefore provided for a similar service.

Clerk's endorsement of charges.

On each instrument delivered to him for recording, it shall be the duty of the county clerk to endorse thereon all charges made by him for such service and such endorsement shall be recorded as a part of the instrument in his office in order that the state examiner may verify such charges from time to time and may see that they have been properly entered on the fee book or reception record in the county clerk's office."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

HeinOnline -- 1955 447 1955

CHAPTER 203

An Act to Amend Section 75-3913 of the Revised Codes of Montana, 1947, Relating to Conduct of School District Bond Elections and Providing for Voting by Absent Electors at Such Elections; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-3913 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Conduct of bond elections.

"75-3913. (1224.13) **Conduct of Election** — *Voting by Absent Electors.* The bond election shall be conducted in the manner prescribed for the election of school trustees and return shall be made and canvassed in a similar manner. *Any qualified elector entitled to vote at any school bond election who is absent from the county or who is physically incapacitated from attending the polling place at such election may vote thereat by complying with the provisions of chapter 13 of title 23 of the Revised Codes of Montana, 1947, as amended, except that the application of an absentee or physically incapacitated person for ballot may be made at any time within fifteen (15) days next preceding such bond election."*

Providing for vote by absent ballot.

District clerk to furnish ballots in time for absentee votes.

The school district clerk whose duty it is to cause the ballots to be prepared for the bond election shall furnish the county clerk with a supply of ballots prior to the fifteenth day next preceding the election for the use of the county clerk in furnishing ballots to applicants for absent voters' ballots.

Absent ballots delivered to judges, when.

The county clerk shall deliver to the judges of election at the opening of the polls all absent voters' ballots that he shall have received up to that time from absent or physically incapacitated electors. The procedure set out in chapter 13 of title 23 of the Revised Codes of Montana, 1947, as amended, shall apply to the voting by absent electors with respect to school bond elections.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1955.

HeinOnline -- 1955 448 1955

CHAPTER 204

An Act to Amend Section 4502 of Title 84 of the Revised Codes of Montana, 1947, Relating to Payment of Taxes Under Protest and Action to Recover and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 4502 of title 84, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-4502. (2269) **Payment of Taxes Under Protest — Action to Recover.** (1) In all cases of levy of taxes, licenses or other demands for public revenue which are deemed unlawful by the party whose property is thus taxed, or from whom such tax or license is demanded or enforced, such party may before such tax or license becomes delinquent pay under written protest such tax or license, or any part thereof, deemed unlawful, to the officers designated and authorized to collect the same, *specifying the grounds of protest;* and thereupon the party so paying, or his legal representatives, may bring an action in any court of competent jurisdiction against the officers to whom said license or tax was paid, or against the county or municipality in whose behalf the same was collected, *and the state board of equalization, which shall be served with summons and copy of the complaint,* to recover such tax or license, or any portion thereof, paid under protest; provided, that any action instituted to recover any license or tax paid under protest shall be commenced *and summons served* within sixty (60) days after the date of payment of the same; provided further, that when any such license or tax is payable in installments the first installment, or so much thereof as may be deemed unlawful, may be so paid under written protest and suit commenced *and summons served* to recover the same within the time herein prescribed, and if any subsequent installment of such license or tax shall become due or payable before the final determination of the suit commenced to recover the first installment, or portion thereof, so paid under protest, then such subsequent installment, or portion thereof deemed unlawful, may also be paid under written protest, and no suit or action need be commenced to recover the same, but the determination of the suit or action commenced to

Payment of taxes under protest, procedure, action to recover.

Procedure where payment is in installments.

HeinOnline -- 1955 449 1955

recover the first installment, or portion thereof, paid under protest, shall determine the right of the party paying such subsequent installment to have the same, or any part thereof refunded to him. All such licenses and taxes, when so paid under protest, shall be deposited by the treasurer of the county or municipality to the credit of a special fund to be designated as protest fund, and no part thereof shall be paid over to any officer, or placed in any other fund or used for any purpose whatever, but the whole thereof shall be retained in such protest fund until the final determination of any suit or action to recover the same.

Protest fund.

"(2) If no action is commenced within the time herein specified, or if such action be commenced and finally determined in favor of the county or municipality, or treasurer thereof, the amount of such license or tax shall be taken from such protest fund and deposited to the credit of the fund or funds to which the same property belongs, but if such action is finally determined adversely to such county or municipality, or the treasurer thereof, then the treasurer shall, upon receiving a certified copy of the final judgment in said action, refund the amount of such license or tax, with costs of suit without interest, to the person in whose favor such judgment is rendered; provided, that if such action was commenced for the purpose of recovering the first installment, or any portion thereof, of any such license or tax, and any subsequent installment thereof, has been paid under protest, as herein provided, then the county treasurer shall, at the time of refunding the amount of such first installment required by such judgment also refund such portion of any subsequent installment as the person holding such judgment is entitled to recover, without interest."

Procedure at conclusion of action, or where no action commenced.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1955.

CHAPTER 205

An Act Relating to Employees of the Supreme Court and of the State Law Library, Amending Sections 82-1801 of the Revised Codes of Montana of 1947, and Section 9 of Chapter 153 of the Laws of 1949, and Repealing

HeinOnline -- 1955 450 1955

Section 82-1803 of the Revised Codes of 1947, as Amended by Section 1 of Chapter 128 of the Session Laws of 1949; Section 82-508 of the Revised Codes of the State of Montana of 1947, as Amended by Section 2 of Chapter 128 of the Laws of 1949; and Sections 3 and 4 of Chapter 128 of the Session Laws of 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 82-1801 of the Revised Codes of the State of Montana, be, and the same is hereby amended to read as follows:

Supreme Court marshal and employees provided for.

"Section 82-1801. **Marshal of the Supreme Court.** The supreme court must appoint a marshal of the supreme court, *and may appoint such other attendants, reporters and clerks as are necessary,* who hold office at the pleasure of the court."

Amending clause.

Section 2. That section 9 of chapter 153 of the laws of 1949, be, and the same is hereby amended to read as follows:

Law librarian and assistant, salaries.

"Section 9. The salary of the librarian of the state law library, and of the assistant librarian, shall be fixed in such amount as the board of trustees shall deem reasonable."

Repealing Section 2, of Chapter 128, Laws of 1949.

Section 3. That section 82-508, as amended by section 2 of chapter 128 of the laws of 1949, is herewith repealed.

Repealing Section 3, id.

Section 4. That section 3 of chapter 128 of the session laws of 1949 is hereby repealed.

Repealing Section 4, id.

Section 5. That section 4 of chapter 128 of the session laws of 1949 is hereby repealed.

Repealing clause.

Section 6. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 206

An Act to Provide for Special Education Classes in Our Public Schools for the Mentally and Physically Handicapped Children, Defining Handicapped Children, Pro-

HeinOnline -- 1955 451 1955

viding for Courses of Instruction, Utilization of Specialists, Providing for Local Boards of Trustees to Furnish Special Education and Transportation for the Handicapped, and to Exclude Certain Handicapped Pupils, Providing for Reimbursements for Special Education Classes, Providing for the Exclusion of Certain mentally Handicapped, Making Provision for Parents to Petition for Special Education, Defining the Duties of the State Superintendent, the Qualifications of Special Teachers, Services of the State Board of Health and the State Board of Education, Providing for a Supervisor of Special Education and Defining His Duties, Providing for the Coordination of All Agencies Working in the Field of Special Education for the Handicapped Child, and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Special education" defined.

Section 1. That within the meaning of this act special education is that type of education requiring special facilities or instruction because of physical or mental deviation from the average on the part of some children. These handicapped are defined as follows:

Handicapped children defined.

"Mentally."

(1) Mentally handicapped children are children who are not capable of profiting from the general educational program of the public schools. These children may be considered in three groups as follows: (a) Educable mentally handicapped. Those children who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected from an eleven-year-old, but not less than that of a seven-year-old. (b) Trainable mentally handicapped. Those children who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected of a seven-year-old and who, for entrance into a training program, are capable of walking, of clean bodily habits, and of obedience to simple commands. (c) Custodial mentally handicapped. Those children who do not show a likelihood of attaining clean bodily habits, responsiveness to directions, or means of intelligible communication. The public schools are to assume responsibility for only the educable handicapped groups.

HeinOnline -- 1955 452 1955

"Physically."

(2) Physically handicapped children are those children who are capable of profiting from the general education program of the public schools, but who need special equipment, special services, and transportation to compensate for such physical handicaps as cardiac, cerebral palsy, or other physical handicaps including inadequate hearing and vision, which makes them unable to profit from the normal education processes without some special provision. Nothing herein shall be construed to interfere with the purpose and function of the school for the deaf and blind in Great Falls.

Superintendent of public instruction to prepare courses of instruction, assisted by other agencies.

Section 2. The state superintendent of public instruction, with assistance from the state board of health, and superintendent of the state training school, and with the approval of the state board of education, shall prepare courses of instruction in the discovery and education of the handicapped child.

Board of health and mental hygiene clinic to assist.

The state superintendent of public instruction shall cooperate with the state board of health in the utilization of the board of health specialists in hearing, speech and physical defects, both on the state and local levels, and shall also utilize the Montana mental hygiene clinic and specialists at the state training school in determining the type of special instruction needed by mentally deficient children.

Boards of trustees may maintain special classes, facilities, transportation.

Section 3. The board of trustees in each school district may maintain special classes for educable mentally handicapped children or for physically handicapped children, or may arrange to use the services of such approved crippled children's classes as may exist within the state, or may provide transportation services from home to school and return for physically handicapped children of such ages as it deems wise; provided, that the local board has the right to exclude persons of low intelligence or severe delinquent behavior. The determination of the children requiring special education and the type of special education needed by these handicapped children shall not be the responsibility of local boards of trustees but shall be the responsibility of the state superintendent of public instruction in cooperation with appropriate medical, psychiatric and psychological advice listed above. Two (2) or more districts may combine to provide such educational facilities.

Needs determined by state superintendent and other agencies.

HeinOnline -- 1955 453 1955

Reimbursement by state, how computed.

Reimbursements on the part of the state for such programs shall be computed on the basis of counting each such mentally handicapped child in such special classes as two (2) in average number belonging, and each physically handicapped child according to a schedule to be prepared by the state superintendent of public instruction, but in no case shall it be over three (3) average number belonging for each such child, prorated according to time and number in these special classes, or in home tutoring. Transportation reimbursements shall be made on a schedule arrived at by the state superintendent of public instruction, and such expenditures shall be added to the transportation budget of the district. The state shall reimburse two-thirds of such approved transportation.

Children sent elsewhere counted on home district rolls—funds transferred to district conducting classes.

Children sent to the crippled children classes in any other approved program within the state shall be counted on the rolls of the home district and the home district shall transfer the funds for each such child to the school district in which these classes are located according to prescribed schedules provided, however, that when children are sent to an institution supported by funds of the State of Montana the home district will not be required to transfer funds for such child.

No child to be deprived of schooling.

Section 4. No mentally handicapped child shall be deprived of school privileges except with the express approval of the state superintendent of public instruction, upon appropriate medical, psychiatric, or psychological advice. Each child so excluded shall be brought immediately to the attention of the local welfare department and of the proper authorities of the state training school who shall be charged with responsibility for providing adequate protection and care, in keeping with available facilities, so far as the parents are willing to accept such services.

Exception, approval of superintendent of public instruction, reference to welfare department.

Petition for special training program, procedure.

Section 5. The parents or guardians of seven (7) or more mentally handicapped children of one (1) type, living in one (1) town or in neighboring towns, which children can be taught together, may petition the district board or boards of trustees for the establishment of a special teaching program. The district board or boards of trustees shall request the state board of education for such advice and assistance as the state board of education considers appropriate in the organization of such a program.

HeinOnline -- 1955 454 1955

Superintendent of public instruction and board of education to establish teachers' qualifications.

Section 6. The state superintendent of public instruction, with approval of the state board of education, shall establish by regulation the qualifications of persons appointed to teach mentally handicapped children. The state board of health shall provide qualified medical, psychiatric, and psychological services as needed to assist the state superintendent of public instruction in making diagnoses, recommending care, or passing upon the eligibility of children for admission to or discharge from special programs for mentally handicapped children.

Children's eligibility requirements.

Conduct of special education.

The state superintendent of public instruction, with the assistance of the state board of health, and with approval of the state board of education, shall make provision for the proper promotion, direction and supervision of special education for mentally and physically handicapped children and shall provide necessary and adequate supervision and consultation for the purpose of carrying out this act and shall appoint a supervisor and specify his qualifications. The state superintendent of public instruction shall be the agency for cooperation and consultation with federal agencies, other agencies and private bodies on matters of public school education of mentally and physically handicapped children, reserving to other agencies their full responsibilities for other aspects of the care of such children. Courses of study, size of classes, adequacy of methods of instruction, the distances to be traveled to each school or class and the necessary equipment and special services for mentally and physically handicapped children shall comply with the requirements prescribed by the state board of education, which shall also have authority to make any other needful regulations to carry out the purposes of this act.

Providing supervisor.

State superintendent to cooperate with federal government.

Board of education to prescribe requirements, regulations.

Duties of supervisor.

Section 7. The duties of the supervisor, under direction of the state superintendent of public instruction, with assistance from the state board of health and superintendent of the state training school shall be to discover the child needing special education throughout the state by observation, examination, and by intelligence, emotional and achievement tests, and such other methods as are deemed necessary and expedient by him, and to administer an educational program for the exceptional child and to supervise subjects and methods and equipment to be used in the classrooms and schools insofar as they affect the handicapped child, and provided, however, that the provisions

HeinOnline -- 1955 455 1955

of this act shall not be mandatory upon any school or school district.

For the purpose of properly educating and caring for such children, the supervisor shall see that the courses of instruction mentioned above shall be made available for all teachers in training and in service. He may recommend ungraded classrooms in schools, home study, special facilities or transportation. He may hold conferences, cooperate, consult, advise and investigate with school superintendents, principals, school facilities, individual teachers, parents, school boards, and other interested groups and persons. He may suggest physical or mental examinations and perform other duties within the limits of this act not specified but directed by the state superintendent of public instruction on approval of the state board of education.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1956.

Section 9. This act shall be in full force and effect from and after July 1, 1956.

Approved March 5, 1955.

CHAPTER 207

An Act to Amend Sections 23-1202 and 23-903, Revised Codes of Montana, 1947, Section 23-1202 Providing for the Time of Opening and Closing of Polls; Providing for a Different Time for Precincts Having Less Than One Hundred (100) Registered Voters; Section 23-903 Providing for Primary Election Notices; Providing for Form of Notice, by Whom Given, and Place of Posting; and Providing for Time of Opening and Closing of Polls in Primary Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 23-1202 of the Revised Codes of Montana, 1947, be, and the same is hereby amended as follows:

Polling times set.

"Section 23-1202. (689) **Time of Opening and Closing of Polls.** The polls must be opened at eight o'clock on the morning of election day and must be kept open con-

HeinOnline -- 1955 456 1955

tinuously until *eight o'clock P. M.* of said day, when the same must be closed; provided that in precincts having less than one hundred (100) registered electors the polls must be opened at one o'clock in the afternoon of election day and must be kept open continuously until *eight o'clock P. M.* of said day, when they must be closed; provided, further, that whenever all registered electors in any precinct have voted the polls shall be immediately closed."

Open until 8 p. m.

Section 2. That section 23-903 of the Revised Codes of Montana, 1947, be, and the same is hereby amended as follows:

Amending clause.

"Section 23-903. (633) **Primary Nominating Election Notices.** It shall be the duty of the county clerk, twenty (20) days before any primary nominating election, to prepare printed notices of such election, and mail two of said notices to each judge and clerk of election in each precinct; and it shall be the duty of the several judges and clerks immediately to post said notices in public places in their respective precincts. Said notices shall be substantially in the following form:

Primary nominating election notices.

PRIMARY NOMINATING ELECTION NOTICE

Form.

Notice is hereby given that on ....., the ..... day of ....., 19....., at the....., in the precinct of ....., Montana, a primary nominating election will be held at which the (insert the names of political parties subject to this law) will choose their candidates for state, district, county, precinct and other offices, namely (here name the offices to be filled, including a senator in congress, delegates to any constitutional convention then called, and candidates for county central committeemen to be elected); which election will be held at *ten o'clock A. M.*, and will continue until *eight o'clock P. M.* of said day*; provided that in precincts having less than one hundred (100) registered electors the polls must be opened at one o'clock in the afternoon of election day and must be kept open continuously until eight o'clock P. M. of said day, when they must be closed; provided further, that whenever all registered electors in any precinct have voted the polls shall be immediately closed.*

Certain precincts open 1 to 8 p. m.

HeinOnline -- 1955 457 1955

Dated this ..... day of ....., 19.....

....., county clerk."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1955.

CHAPTER 208

An Act to Amend Section 61-130, Revised Codes of Montana, 1947, as Amended by Chapter 181 of the Session Laws of 1949, Relating to the Consent of Children's Parents in Adoption Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 61-130 (5859), Revised Codes of Montana, 1947, as amended by chapter 181, laws of the thirty-first legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

When consent of child's parents to adoption required.

"*61-130* (5859) **Consent of Child's Parents** — *When Required — When Not Required — Court Process. (1)* A legitimate minor child cannot be adopted without the consent of *both of* its parents, *if such parents be living;*

Consent of mother of illegitimate child.

(2) An illegitimate minor child cannot be adopted without the consent of its mother, if such mother be living; except that consent by the parents of a legitimate minor child, or consent by the mother of an illegitimate minor child shall not, in either case, be necessary, from a father or mother,

When consent not required.

(a) deprived of civil rights by a court of competent jurisdiction; or,

(b) adjudged guilty by a court of competent jurisdiction of the crime of adultery; or,

(c) adjudged guilty by a court of competent jurisdiction of physical cruelty or habitual mental cruelty, toward said child; or,

(d) divorced by decree of a court of competent jurisdiction for adultery; or,

HeinOnline -- 1955 458 1955

(e) adjudged to be an habitual drunkard; or,

(f) who has been judicially deprived of the custody of the child on account of cruelty or neglect toward the child; or,

(g) who has, in the State of Montana, or in any other state of the United States, wilfully abandoned such child; or,

(h) who has caused the child to be maintained by any public orphans' home, asylum, charitable home or charitable agency or any licensed adoption agency, or the state department of public welfare of the State of Montana for a period of one (1) year without contributing to the support of said child during said period."

Adoptions where child maintained in public home.

(3) When any child who is an orphan (i.e., a child who has lost both father and mother), or a half-orphan (i.e., a child who has lost either father or mother), or who is an illegitimate child, has been kept and maintained in or at any public orphans' home, asylum, charitable home or charitable agency, or by the state department of public welfare in this state for a period of one (1) year or more, such orphan, half-orphan, or illegitimate child may be adopted with the consent of a licensed adoption agency as such an agency is defined by law, or with the consent of the state department of public welfare, or with the consent of the Montana state orphans' home, without the consent of a living parent, if any, unless such living parent has paid toward the expense of maintenance of such half-orphan or illegitimate child at least sixty percentum (60%) of the legitimate cost of keeping and maintaining said child during said period of one (1) year or more if able to do so.

When parental consent not needed.

If keep paid, parental consent needed.

Child in institution, parents non-resident—consent not needed.

(4) Whenever any child has been left by its parents in any public orphans' home, or asylum, or a children's home, or with any licensed adoption agency or foster home, for a period of more than one (1) year, and the parents of such child, if living, are not residents of the State of Montana, or the surviving parent, if living, is not a resident of the State of Montana, the consent of such parents or parent is not necessary to its adoption irrespective of whether such parents or parent have contributed to the support of the child during said period and, in all such cases, the state department of public welfare, or the Montana state

HeinOnline -- 1955 459 1955

orphans' home, or any licensed adoption agency, is authorized to give such consent as is in this chapter required, and such consent shall be given in the same manner that parents are authorized by law to consent to the adoption of children.

Petitions for adoption—notice.

"(5) (a) Whenever the adoption of a child, whether legitimate or illegitimate, is sought in any petition for adoption, and the case is one in which the consent of the parent is not required, the court *shall, nevertheless,* upon the filing of such petition, cause *notice of said petition,* and service of process *for the attendance of said parent or parents at the hearing on said petition* to be made on the parent or parents of the child in the following manner:

Citation to parents.

The court shall order a citation to issue to the parent or parents in the name of the State of Montana, and under the seal of the court, directing such parent or parents to appear in court at a time to be fixed by the court, and show cause why said petition should not be granted; except no citation shall be required in any case where the parent or parents have been deprived of the custody of their child or children by the judgment of a court of competent jurisdiction in a proceeding to have such child or children declared neglected or dependent children under the pro-

Citation service.

visions of sections *10-501* to *10-519.* Such citation together with a copy of the petition for adoption shall be personally served upon such parent or parents.

Service by publication.

"(b) If, however, any such parent or parents cannot be found within this state, service may be had by publication of a copy of said citation in the manner provided for the publication of summons by section *93-3014.* If after completion of such service, any parent so served does not appear, the court may act upon the petition, and the order of the court thereon shall be binding upon all persons so served; provided that any such person shall have the right to appeal from the order in the manner and form provided for appeals from the judgment in civil actions."

Effective immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 209

An Act to Amend Section 19-107, Revised Codes of Montana, 1947, Designating Legal Holidays in the State of

HeinOnline -- 1955 460 1955

Montana; Designating That the Eleventh Day of November be Designated as Veterans' Day Instead of Armistice Day; and Providing That Any Bank in the State of Montana Which Refrains From Transacting Business on Saturday, and Remains Closed on Saturday Pursuant to Permissive Authority Under the Laws of the State of Montana, Shall Not Close on Any Legal Holiday Other Than Every Sunday, the First Day of January (New Year's Day), the Thirtieth Day of May (Memorial Day), the Fourth Day of July (Independence Day), the First Monday of September (Labor Day), the Twenty-fifth Day of December (Christmas Day), and Every Day Upon Which a General Election is Held Throughout the State, and Every Day Appointed by the President of the United States of America or by the Governor of the State of Montana for a Public Fast, Thanksgiving or Holiday.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 19-107, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Legal holidays and business days defined.

"19-107. (10) **Legal Holidays and Business Days Defined.** The following are legal holidays in the State of Montana, to wit: Every Sunday; the first day of January (New Year's day); the twelfth day of February (Lincoln's birthday); the twenty-second day of February (Washington's birthday); the thirtieth day of May (Memorial day); the fourth day of July (Independence day); the first Monday of September (Labor day); the twelfth day of October (Columbus day); the eleventh day of November (*Veterans'* Day); the twenty-fifth day of December (Christmas day); every day on which a general election is held throughout the state and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If any of the holidays herein enumerated (except Sunday) fall upon a Sunday, the Monday following is a holiday. All other days than those herein mentioned are to be deemed business days for all purposes, *except as herein provided.*"

"Veterans' day."

Bank holidays enumerated.

Whenever any bank in the State of Montana elects to remain closed and refrains from the transaction of business

HeinOnline -- 1955 461 1955

on Saturdays, pursuant to authority for permissive closing on Saturdays by virtue of the laws of the state, legal holidays for such bank during the year of such election are hereby limited to the following holidays, and no other holidays, viz.: Every Sunday; the first day of January (New Year's day); the thirtieth day of May (Memorial day); the fourth day of July (Independence day); the first Monday of September (Labor day); the twenty-fifth day of December (Christmas Day); and every day upon which a general election is held throughout the State of Montana, and every day appointed by the president of the United States of America or by the governor of the State of Montana for a public fast, thanksgiving or holiday;

Proviso—Saturday closing may be maintained.

provided, however, that any bank practicing Saturday closing in compliance with law may remain closed and refrain from the transaction of business on Saturdays, notwithstanding that a Saturday may coincide with a legal holiday other than one of the holidays designated above for banks practicing Saturday closing in compliance with law.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1955, 12 noon.

Section 3. This act shall be in full force and effect from and after 12:00 o'clock noon on Friday, July 1, 1955.

Approved March 5, 1955.

CHAPTER 210

An Act to Amend Section 84-1813, Revised Codes of Montana, 1947, Relating to Tax to be Collected on Motor Fuel and Fixing the Amount Thereof, When; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-1813, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Nine cents tax on motor fuel when sold for highway use.

"84-1813. **Tax to Be Collected On Motor Fuel, When.** The state board of equalization shall, under the provisions of rules and regulations issued by said board, collect *from the owners or operators of motor vehicles* a tax *in an*

HeinOnline -- 1955 462 1955

amount equal to nine cents (9¢) for each gallon of diesel fuel or other volatile liquid, of less than forty-six degrees (46°) *A. P. I. (American Petroleum Institute)* gravity test, when actually sold or used to produce motor power to propel motor vehicles upon the public highways or streets within the State of Montana."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective April 1, 1955.

Section 3. This act shall be in full force and effect from and after April 1, 1955.

Approved March 5, 1955.

CHAPTER 211

An Act to Amend Chapter 101 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana, 1951, Enabling Incorporated Cities and Towns to Acquire, Operate and Lease Motor Busses and Bus Lines for the Transportation of Passengers; Providing for the Borrowing of Money or Issuing Bonds for the Purchase of the Same and Providing for a Vote of the Taxpayers Thereon, by Adding Thereto Provisions Enabling Incorporated Cities and Towns to Also Contract With Independent Carriers for Such Transportation Service; and Authorizing the Council of Such Cities and Towns to Levy a Tax on All Taxable Property Within the Limits of Such City or Town to Defray the Cost Thereof; and Providing for the Submission of the Question of Such Levy to the Legal Voters of Such City or Town Who Are Taxpaying Freeholders Therein Whenever It Shall be Necessary to Raise Money by Taxation for Such Purpose in Excess of the Levy Now Allowed by Law; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That chapter 101 of the session laws of the thirty-second legislative assembly of the State of Montana, 1951, be, and the same hereby is amended to read as follows:

When city or town may own and operate busses.

"Section 1. Whenever a city or town is not being served by a bus company or operator, operating on a regular schedule, and under the jurisdiction of the Montana rail-

HeinOnline -- 1955 463 1955

road and public service commission or if such service is to be discontinued in the immediate future, the city or town council of any incorporated city or town shall have the power to contract an indebtedness of any such city or town upon the credit thereof by borrowing money or issuing bonds for the purchase, development, operation or leasing of motor busses and bus lines for the transportation of passengers within the corporate limits of such cities and towns, and to operate the same to any point or points beyond said limits not to exceed eight (8) miles, measured along the route of said bus line; provided that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness must not at any time exceed three per centum (3%) of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes, and provided further, that no money must be borrowed or bonds issued for the purposes herein specified until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof.

Limitation on indebtedness for purpose.

Vote required.

Management of system may be provided.

"Section 2. The said city or town council *or commission* shall have authority to provide for the management and operation of said system; and to do all the things necessary for the successful operation of said transportation system. Such operations shall be subject to all the provisions of the motor carrier act (sections 8-101 to 8-129, Revised Codes of Montana, 1947) except that such municipality may be issued a certificate of public convenience and necessity without proof of the existence of public convenience and necessity, and except that the municipality shall be exempt from the payment of fees provided by sections 8-116 and 8-127, Revised Codes of Montana, 1947."

Motor carrier act applies.

Exceptions.

City may contract for bus service.

Section 3. Whenever a city or town is not being served by a bus company or operator, operating on a regular schedule, and under the jurisdiction of the Montana railroad and public service commission or if such service is to be discontinued in the immediate future, the city or town council of any incorporated city or town shall have the power to enter into a contract or contracts with an independent carrier or independent carriers for the transportation of passengers by bus within the corporate limits of such city or town and to and from any point or points

HeinOnline -- 1955 464 1955

beyond said limits not to exceed eight (8) miles measured along the route of said bus line or lines; and for the purpose of raising the necessary moneys to defray the cost of such transportation service pursuant to such contract or contracts with such independent carrier or carriers the city or town council shall have power to annually levy a tax on the taxable value of all taxable property within the limits of such city or town; provided, however, that whenever the council of such city or town shall deem it necessary to raise money by taxation for such purpose in excess of the levy now allowed by law the council of such city or town shall in the manner prescribed by law, submit the question of such additional levy to the legal voters of such city or town who are taxpaying freeholders therein, either at the regular annual election held in said city or town, or at a special election called for that purpose by the council of such city or town; provided, however, that such additional levy in excess of the levy now allowed by law shall not exceed three-fourths (¾) of one (1) mill.

Vote required on excess levy.

Limitation on levy.

Section 4. The said city or town council shall have power and authority to call for bids from independent carriers for such transportation service, and to do all things necessary or proper for establishment and maintenance of such transportation service by contract. The operations of such carrier or carriers in furnishing such transportation service under such contract or contracts shall be subject to all the provisions of the motor carrier act (sections 8-101 to 8-129, Revised Codes of Montana, 1947).

Municipality may call for bids for transportation service.

Motor Carrier act applies.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. **Constitutionality.** If any part or parts of this act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Severability clause.

Approved March 5, 1955.

CHAPTER 212

An Act to Amend Section 84-1818, Revised Codes of Montana, 1947, as Amended by Chapter 221 of the 1953

HeinOnline -- 1955 465 1955

Session Laws, Relating to Refund of Gasoline Tax and Providing That Refunds May be Obtained When the Original Invoice Has Been Either Lost or Destroyed and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-1818, Revised Codes of Montana, 1947, as amended by chapter 221 of the 1953 session laws, be, and the same is hereby amended to read as follows:

Refund of gasoline tax—procedure.

"84-1818. (2396.4) **Refund of Gasoline License Tax — Procedure.** (1) Any person who shall purchase and use any gasoline, with reference to which there has been paid into the treasury of the state of Montana, under the laws of this state licensing dealers in gasoline, a state gallonage tax, for the purpose of operating or propelling stationary gas engines, tractors used for purposes other than on the public highways or streets of this state, motor boats, aeroplanes or aircraft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state, and who has paid said tax either directly to the State of Montana or indirectly as a part of the purchase price of said gasoline, shall be allowed and paid as a refund or drawback an amount of money equal to the unit state gallonage tax, multiplied by the number of gallons of gasoline so purchased and used, provided that counties, incorporated cities, towns and school districts of this state shall be entitled to said refund or drawback of said tax by any such county, city, town or school district upon gasoline used by it in the performance of any of its governmental and proprietary functions, or either, imposed or authorized by law, including construction, maintenance and repair of all roads, highways and public places within the county limits and all streets, avenues, alleys and other public places within the corporate limits of such city or town; provided, that such refund or drawback shall in no instance exceed the total amount of the tax paid or to be paid, to the State of Montana, upon presenting to the board of equalization of the State of Montana, within the time allowed by law, a *written* statement, accompanied by the invoice or invoices issued to the claimant at the time of purchase *and delivery* of such gasoline showing such purchase and use, which statement shall set forth in words and figures, the total amount

Refunds to counties, cities, towns, school districts.

What claimant must show.

HeinOnline -- 1955 466 1955

of the gasoline so purchased, and the purpose for which the same was actually used, the amount of the tax and such additional information as may be required by said board on forms to be furnished by them *each separate delivery shall constitute a purchase for the purpose hereof.*

Filing applications—time limitations.

"(2) All such applications for refunds or drawbacks shall be filed with the board of equalization of the State of Montana within eight (8) months after the date on which such gasoline was purchased as shown by such invoices. The said board shall have one hundred twenty (120) days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct and is approved by said board and the state board of examiners, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim and same shall be paid out of the gasoline license tax drawback fund in the same manner as other claims against the state are paid. Such refund or drawbacks shall be made only to, and on the application of, the actual purchaser and user of the gasoline upon which refund is claimed and the burden of establishing the validity of the claim rests upon the claimant.

Board of equalization, correction or rejection of claim.

"(3) Should the board of equalization, after investigation, find that the statement so made by said consumer contains errors which, in the opinion of the board were not inserted for the purpose of fraud, it may correct the statement and approve the same as corrected whereupon warrant shall issue, after approval by the state board of examiners, as above provided, or the board may, in its discretion, require the claimant to file an amended statement before action is taken thereon. If, upon investigation, it shall be determined by the state board of equalization that any claim has been fraudulently presented or is supported, as to any item therein by invoice or invoices fraudulently made or altered in any manner, or that any statement in the claim contained or the affidavit thereto, is wilfully false in any particular and so made for the purpose of misleading said board, the board may reject such claim in toto.

Permits required, contents.

"(4) Any person desiring to claim refund on gasoline purchased shall obtain from the state board of equalization a permit by application therefor, on such form as the board shall prescribe, which application shall be made under oath

HeinOnline -- 1955 467 1955

and shall contain, among other things, the name, address and occupation of the applicant, the nature of the business, and a sufficient description for identification of the machines or equipment in which the taxable motor fuel is to be used for which refund may be claimed under such permit.

Records of permits—fee, renewal.

"(5) Each permit issued shall bear a permit number and each claim filed shall bear the permit number of the claimant. It shall be the duty of the state board of equalization to keep a record of all permits issued and a cumulative record of refund claimed and paid thereunder.

"A fee of one dollar ($1.00) shall be collected from each person to whom a refund permit is issued after July 1, 1953. No refund shall be paid to any person after July 1, 1953, unless said person has first secured a refund permit and paid said fee. The refund permit must be renewed and the license fee paid every five years from the date of issuance.

Suspension of permit.

"(6) Whenever a claim shall be rejected, as herein provided, the state board of equalization may suspend the claimant's permit, for a period not exceeding one year, and no claim shall thereafter be approved or allowed for refund on any gasoline purchased by such claimant during such period of suspension.

State subdivisions subject to all conditions, responsibility of agents.

"(7) All of the subdivisions of the state mentioned herein shall be subject to all of the conditions, rules and regulations applicable to individuals and as such subdivisions can act only by their officers and agents in presenting claims for refund they shall be responsible for and bound by the acts and declarations of such officers and agents.

Separate invoices for each purchase required.

"(8) When gasoline is sold *and delivered* to a person who shall claim to be entitled to a refund *with respect to* the tax imposed, the seller of such gasoline shall make and deliver at the time of such sale *and delivery* separate invoices for each purchase on invoice forms approved by the state board of equalization showing the name and address of the seller and the name and address of the purchaser, the number of gallons of gasoline so sold in words and figures and the date of such purchase, *and whether an aviation gasoline tax exemption certificate has been issued*

Excludes aviation gas exemption purchases.

HeinOnline -- 1955 468 1955

with respect to such sale, which invoice, attached to the claim presented shall be the only proof upon which a legal claim can be made for a refund based upon such purchase, *and no refund shall be allowed on any sale with respect to which an aviation gasoline tax exemption certificate has been issued;* provided, however, that in case the separate invoice delivered to the purchaser at the time of sale be *either lost or destroyed* he may make claim to the board of equalization for such refund, supporting the same by affidavit *reciting the circumstances of such loss or destruction and produce such other evidence* as may be required by the board including an actual duplicate carbon copy of the original invoice or invoices. If the board be satisfied as to the sufficiency of the claim and supporting evidence, proper refund shall be made six (6) months thereafter. Except where surrendered to the purchaser for such purpose, the seller shall retain the duplicate original invoices for the period of one year from and after the date of issuance, during which period they shall be open to inspection by the state board of equalization and its agents. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof. *The seller shall, in filling out invoices, use double-faced carbons."*

Lost invoice—procedure.

Duplicate invoices to be retained 1 year.

Double-faced carbons required.

"(9) Upon the effective date of this act, each seller of such gasoline upon which a refund may be claimed by the purchaser, shall obtain a permit from the state board of equalization to sell such gasoline upon application therefor to the board, upon such form as the board shall prescribe, which application shall be made under oath and shall contain among other things, the name and address of the applicant, the place or places of his or its business within the State of Montana. Such permit issued shall bear a permit number and the date of issuance. It shall be the duty of the state board of equalization to keep a record of all such permits issued to sellers, and the suspension or cancellation of any thereof. Such permits shall be issued for the calendar year upon payment of a fee of one dollar ($1.00). Such permit must be renewed annually on or before the first day of January, 1956, and each year thereafter, upon such application and fee paid. After the effective date of this act, it shall be unlawful for any person, firm, corporation or association to sell such gasoline upon which a refund may be claimed without a valid permit

Application to sell gasoline—permit required.

Contents.

Fee.

HeinOnline -- 1955 469 1955

Penalty.

therefor. If any such person, firm, corporation or association shall sell any such gasoline without being the holder of a valid permit therefor, he shall be punished by a fine of not less than twenty-five dollars ($25.00), or more than two hundred dollars ($200.00), or be imprisoned in the county jail for a period of not less than ten days (10) nor more than sixty (60) days, or by both such fine and imprisonment."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1955.

CHAPTER 213

An Act Relating to and Providing for the Leasing of State Lands to Natural Gas Public Utilities for Use as Underground Gas Storage Reservoirs and Other Property for Use in Connection Therewith and the Sale of Gas Belonging to the State in Depleted Gas Reservoirs.

Be it enacted by the Legislative Assembly of the State of Montana:

Land board empowered to lease lands for underground gas storage.

Section 1. (1) The state board of land commissioners is hereby authorized and empowered to lease in such manner and upon such terms as it may determine, not inconsistent with the enabling act and the constitution, state lands to which the title has vested in the state, subject to existing rights, for use for the underground storage of natural gas upon the terms and conditions herein prescribed, to any natural gas public utility authorized to do business in this state and engaged in the business of transporting or distributing natural gas by means of pipelines into, within or through this state for ultimate public use. State lands which may be leased shall include lands in which the deposit of native gas shall have been depleted, provided the lessee pays to the state the amount specified by the state board of land commissioners for the native gas then remaining in the lands to be leased.

Reservations in lease required.

(2) In every lease granted pursuant to the terms hereof there shall be reserved unto the State of Montana the right to sell, lease, or otherwise dispose of the lands covered thereby, subject always to the rights and privileges

HeinOnline -- 1955 470 1955

granted unto the lessee under a lease provided for by this act.

(3) Leases issued under the provisions of this act shall all be subject to the conditions that the lessee in conducting the underground storage of natural gas shall use all reasonable precautions to prevent waste of oil or gas developed in the land or the entrance of water through wells drilled to store natural gas to the oil or gas sands or oil or gas bearing strata to the destruction or injury of oil or gas deposits. Violations of any of these conditions shall constitute grounds for the forfeiture of the lease after hearing had thereon before the state board of land commissioners.

Lease to protect from waste.

Section 2. All leases issued hereunder may be granted for a period of not exceeding twenty (20) years, provided, however, the lessee shall have a preferential right to renew such lease for an additional period of not exceeding twenty (20) years subject to such terms and conditions as the state board of land commissioners may impose.

Term of lease.

Renewal preference.

Section 3. The state board of land commissioners shall have the power and authority to prescribe such rules and regulations and to do and perform all acts and things not inconsistent with the enabling act, the constitution, and the statutes of this state as it may deem necessary and proper relating to the leasing of state lands for the underground storage of natural gas and the sale of the gas remaining in state lands in a gas field wherein native gas deposits have been depleted.

Land Board may make rules and regulations.

Section 4. The state board of land commissioners shall require lessees, to furnish bond to the state in sum and substance prescribed by law or by regulations of the board and in amount, or amounts adequate to indemnify the state against loss, damage or detriment by reason of failure of the lessee to fully discharge the obligations contained in any lease, provided, that no bond in excess of twenty thousand dollars ($20,000.00) shall be required under any one lease.

Bond to be required.

Limitation.

Section 5. All leases granted by the state pursuant to the terms of this act shall provide for forfeiture and cancellation thereof upon failure of the lessee to fully discharge the obligations provided therein, after written notice from the state and reasonable time allowed to the lessee for performance of any undertaking or obligation specified in such

Forfeiture and cancellation provisions required.

Notice.

HeinOnline -- 1955 471 1955

notice concerning which the lessee is in default. The state board of land commissioners is hereby granted full power and authority to order and hold hearings on any matter or question involving leases issued under the provisions of this act, under such rules and regulations as it may adopt; and any lessee, upon application therefor, shall be granted a hearing on any notice or demand of the said board before any lease under this act is granted, forfeited or cancelled by said board.

Hearings.

Disposition of rentals.

Section 6. All rentals collected for or under leases issued under the provisions of this act shall be paid to the commissioner of state lands and investments and by him credited in the same manner as rentals from oil and gas leases.

Surrender right on 30 days' notice annually.

Section 7. The lessee shall have the right at the termination of any rental year by giving to the commissioner of state lands and investments thirty (30) days' previous notice in writing, of such intended surrender, to surrender and relinquish such lease to the state and be thereupon discharged from any obligation not theretofore accrued.

Right of removal of improvements and equipment, time limit.

Upon the termination for any cause of any lease issued pursuant to this act, the lessee shall have six (6) months after the date of said termination within which to remove all machinery, fixtures, improvements, buildings and equipment belonging to it, upon said premises.

Approved March 5, 1955.

CHAPTER 214

An Act to Amend Sections 94-3601, 94-3602, Revised Codes of Montana, 1947, by Defining Obscene Literature and So-called Comic Books; Tie-in Sales; by Providing Penalties for the Sale, Loan, or Distribution of Such Matter; by Defining the Offence of Indecent Conduct and Providing the Penalties Therefor; by Providing a Separability Clause and by Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 94-3601 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 472 1955

"94-3601. (11134) **Obscene Literature Not to Be Given to or Sold by Minors.** (1) It is unlawful for any person to sell, lend, give away, *distribute, resell, or redistribute,* show, or have in his possession with intent to sell, give away, *distribute, resell, or redistribute,* or to show or advertise or otherwise offer for loan, gift, or distribution, to any minor child, under the age of *eighteen (18) years*, any book, pamphlet, magazine, newspaper, lewd picture, story paper, *so-called comic book,* or other printed, *mimeographed or published matter,* devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of lust or crime, *or portraying sexually indecent conduct or subject matter, or portraying the planning or committing of deeds of crime, violence, horror, brutality, immorality or vice.* It *shall be* unlawful to exhibit upon any street or highway, or in any place within the view of any minor child under the age of *eighteen (18) years,* or to hire, use, employ, or permit such child to sell or give away or in any manner distribute any such book, pamphlet, magazine, lewd picture, newspaper, story paper, *so-called comic book* or publication *or other printed, mimeographed, or published matter above described."*

Obscene literature not to be sold or given to minors under 18.

Adding comic books, mimeographed matter.

Adding indecent violent, or subject matter.

(2) The prohibitions and penalties imposed hereby shall not extend to publications within any constitutional guarantee of freedom of the press or freedom of religious worship, nor to publications privileged for medical instruction, privileged as official law enforcement bulletins or publications, nor to publications or reproductions of bona fide works of literature and the fine arts.

Privileged or constitutionally protected materials excluded.

(3) No person shall, as a condition to a sale or delivery for resale of any publication not above-described or not within the purview of the foregoing section, require that the purchaser or consignee receive for resale or redistribution any other publication or article whatsoever within or reasonably believed by such purchaser or consignee to be within the purview of the foregoing section.

Prohibiting tie-in sale of questionable matter.

Section 2. That section 94-3602, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"94-3602. (11135) **Penalty.** *(1)* Every person violating any of the provisions of the next preceding section

Penalty.

HeinOnline -- 1955 473 1955

Making jail sentence mandatory for repeaters.

is guilty of a misdemeanor, *and provided further that upon the second and each subsequent conviction thereunder, a jail sentence is mandatory.*

Severability clause.

Section 3. If any clause, sentence, paragraph, section, subdivision or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, inoperative or unconstitutional, such decision shall not affect, impair or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision or part directly adjudged to be invalid, inoperative or unconstitutional.

Repealing clause.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1955.

CHAPTER 215

An Act to Amend Sections 69-3002, 69-3003, 69-3004, 69-3006, 69-3007, 69-3009, 69-3010, 69-3012, 69-3015, 69-3016 and 69-3018 of the Revised Codes of Montana of 1947, All Relating to the Montana Hospital Survey and Construction Act and Providing for an Inventory of Existing Hospitals and Medical Facilities, for a Survey of the Need for Additional Hospital and Medical Facilities Construction Program, Afford Hospitals and Medical Facilities Adequate to Serve All People of the State; and Establishing Methods of Administration and Control. Providing for compliance With the Requirements of the Federal Hospital and Medical Facilities Survey and Construction Act as Amended and Regulations Thereunder, Authorizing the Acceptance and Expenditures of Federal Funds in Accordance With Such Requirements and Providing for Joint Action by Two or More Counties; Providing for the Severability of This Act and Providing This Act Shall be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 69-3002 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 474 1955

"69-3002. **Definitions.** As used in this act: Terms defined.

(a) "Board" means the state board of health of the State of Montana. "Board."

(b) *"The federal act" means title VI of the public health service act (42 U. S. C. 291 et seq.) as now and hereafter amended.* "The federal act."

(c) "The surgeon general" means surgeon general of the public health service of the United States. "The surgeon general."

(d) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care. "Hospital."

(e) "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers. "Public health center."

(f) "Nonprofit hospital" *and "nonprofit medical facility"* means any hospital *or medical facility* owned or operated by *one or more nonprofit corporations* or *associations,* no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. "Non-profit hospital." "Non-profit medical facility."

(g) "Director" means the principal administrative officer of the division of hospital survey and construction of the said state board of health of Montana as appointed by said board. "Director."

(h) *"Medical facilities" means diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in the federal act, and such other medical facilities for which federal aid may be authorized under the federal act."* "Medical facilities."

Section 2. That section 69-3003 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

HeinOnline -- 1955 475 1955

Division of hospital survey and construction created in state board of health.

"69-3003. **Administration — Division of Hospital Survey and Construction.** There is hereby established in the state board of health a division of hospital survey and construction which shall be administered by a full-time salaried director appointed by the board and serving under the supervision and direction of the board. The state board of health through such division, shall constitute the sole agency of the state for the purpose of

Agency purposes of division.

(1) making an inventory of existing hospitals, *and medical facilities and,* surveying the need for construction of hospitals *and medical facilities,* and developing a program of hospital *and medical facilities* construction as provided in sections 69-3006 to 69-3008, and

(2) developing and administering a state plan for the construction of public and other nonprofit hospitals *and medical facilities* as provided in sections 69-3009 to 69-3016."

Amending clause.

Section 3. That section 69-3004 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Board powers and duties.

"69-3004. **General Powers and Duties.** In carrying out the purposes of the act, the board is authorized and directed:

(a) To require such reports, make such inspections and investigations and prescribe such regulations as it deems necessary;

(b) To provide such methods of administration, appoint a director and other personnel of the division and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

(c) To procure in its discretion the temporary or intermittent services of experts or consultants, or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(d) To the extent that it considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

HeinOnline -- 1955 476 1955

(e) To accept on behalf of the state and to deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and to expend the same for such purpose;

(f) To make an annual report to the governor on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the board considers appropriate to furnish adequate hospital *and medical facilities* to the people of this state."

Amending clause.

Section 4. That section 69-3006 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Board may make inventory of hospitals and medical facilities, survey construction needs.

Plan construction program.

"69-3006. **Survey and Planning Activities.** The board is authorized and directed to make an inventory of existing hospitals *and medical facilities,* including public, nonprofit and proprietary hospitals *and medical facilities,* to survey the need for construction of hospitals *and medical facilities,* and, on the basis of such inventory and survey, to develop a program for the construction of such public and other nonprofit hospitals *and medical facilities* as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital *and medical facilities* to all the people of the state."

Amending clause.

Section 5. That section 69-3007 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Construction program policy.

Adding medical facilities.

"69-3007. **Construction Program.** The construction program shall provide, in accordance with regulations prescribed under the federal act, for adequate hospital facilities *and medical facilities* for the people residing in this state and insofar as possible shall provide for their distribution throughout the state in such manner as to make all types of hospital *and medical facilities services* reasonably accessible to all persons in the state."

Amending clause.

Section 6. That section 69-3009 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State plan to be submitted to surgeon general.

"69-3009. **State Plan.** The board shall prepare and submit to the surgeon general a state plan which shall include the hospital *and medical facilities* construction program developed under sections 69-3006 to 69-3008 and

HeinOnline -- 1955 477 1955

which shall provide for the establishment, administration, and operation of hospital *and medical facilities* construction activities in accordance with the requirements of the federal act and regulations thereunder. The board shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to express their views. After approval of the plan by the surgeon general, the board shall publish a general description of the provisions thereof in three (3) successive publications at intervals of one (1) week between publications in at least one newspaper having general circulation in each county in the state, and in five (5) papers having a general circulation throughout the state, and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The board shall from time to time review the hospital *and medical facilities* construction program and submit to the surgeon general any modifications thereof which he may find necessary and may submit to the surgeon general such modifications of the state plan, not inconsistent with the requirements of the federal act, as he may deem advisable."

Hearings prior to submission of plan.

Publication after approval.

Review of plan.

Amending clause.

Section 7. That section 69-3010 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Minimum standards for hospital and medical facilities.

"69-3010. **Minimum Standards for Hospital** *and Medical Facilities* **Maintenance and Operation.** The board shall by regulation prescribe minimum standards for the maintenance and operation of hospitals *and medical facilities* which receive federal aid for construction under the state plan."

Amending clause.

Section 8. That section 69-3012 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Construction projects— applications.

"69-3012. **Construction Projects — Applications.** Applications for hospital *and medical facilities* construction projects for which federal funds are requested shall be submitted to the board and may be submitted by the state or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a

HeinOnline -- 1955 478 1955

hospital *or a medical facility*. Each application for a construction project shall conform to federal and state requirements.''

Amending clause.

Section 9. That section 69-3015 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Hospital and medical facilities construction fund established.

''69-3015. **Hospital** *and Medical Facilities* **Construction Fund.** The board is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. There is hereby established, separate and apart from all public moneys and funds of this state, a hospital *and medical facilities* construction fund. Money received from the federal government for a construction project approved by the surgeon general shall be deposited to the credit of this fund and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Claims for all payments from the hospital *and medical facilities* construction fund shall, if approved by the board, bear the signature of the executive officer (secretary) of the board, or in his absence, the director.''

Federal funds to be deposited.

Claims.

Amending clause.

Section 10. That section 69-3016 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Applications two or more counties, procedure.

''69-3016. **Consolidated Applications by Two or More Counties.** Any two (2) or more counties of this state may, by concurrent action of their respective boards of county commissioners, join in a consolidated application for funds for construction (and operation and maintenance when permitted) under the terms of this act of a single hospital, *medical facility* or health center for all of the counties so joining, such hospital, *medical facility* or health center to be located at such point within the exterior boundaries of the joining counties as may best serve the people of all the counties involved, and any laws of this state investing any county with power to construct, maintain and operate hospitals *or medical facilities* directly, or by lease or contract, may be utilized for joint action by any two or more counties, provided, however, that in all cases, the provisions of all laws governing submission of questions of establishment of such a hospital *or medical facility*, hospital *or medical facilities* construction, issuance of bonds

Elections, procedure.

HeinOnline -- 1955 479 1955

therefor, and method of operation, and requiring majority vote of the taxpayers at elections on such questions in a county shall apply to and govern consolidated applications and concurrent and joint actions of two or more counties and a majority of the qualified voters in an election common to each county, in each one of the joining counties, shall be required to authorize the issuance of bonds, construction and contracts under such joint or consolidated plan."

Amending clause.

Section 11. That section 69-3018 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Authorizing joint participation, state and federal.

"69-3018. **State and Federal Participation in Hospital** *and Medical Facilities* **Construction.** The State of Montana is hereby authorized and empowered to participate jointly with the federal government on a dollar for dollar basis in carrying out a program of hospital *and medical facilities* construction in accordance with the provisions of sections 69-3001 to 69-3017 and the provisions of the federal hospital *and medical facilities* survey and construction act (title VI of the public health service act (42 U. S. C. 291 et seq.) as now and hereafter amended), and to allocate and expend money for that purpose in cases where the appropriations of money heretofore or hereafter made by the federal government under said federal act to the State of Montana are inadequate to meet the amounts needed for hospital *and medical facilities* construction as such needs may be determined from time to time under this act. Provided however, that any funds remaining unused for a consecutive period of two (2) years shall revert to the general fund."

Severability clause.

Section 12. **Severability.** If any provisions of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Effective immediately.

Section 13. **Effective Date.** This act shall take effect from and after its passage and approval.

Approved March 5, 1955.

HeinOnline -- 1955 480 1955

CHAPTER 216

An Act to Amend Section 28-103 of the Revised Codes of Montana, 1947, Relating to Definitions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 28-103, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"28-103. Organized forest protection district is defined as a definite forest land area, the boundaries of which are fixed, and wherein, through the medium of an agency recognized by the board, the forest land owners, whether state, county, municipal or private, pay the actual cost of fire protection and fire suppression on a pro-rata basis for acreage owned within the district.

Terms defined: "Organized forest protection district."

Fire district is defined as a subdivision of an organized forest protection district, or a forest area outside the boundaries of an organized forest protection district, but adjacent thereto and which can be made a part thereof.

"Fire district."

Recognized agency is defined as an association of owners of forest lands in an organized forest protection district, organized for the purpose of providing forest protection and fire suppression in such district and financed by the owners in said district, and recognized by the board as giving adequate fire protection to such forest lands in accordance with rules and regulations prescribed by the board. Any public agency administering and protecting forest lands may also be recognized by the board as such an agency.

"Recognized agency."

Forest fire season is defined as the period of each year beginning on May first and ending on September thirtieth, inclusive; provided, however, that in the event of excessive or great fire danger, the board may expand the said season within any district, or in any part thereof, for not more than *sixty* (60) extra days, and when so expanded the board shall give such public notice thereof as it may deem necessary.

"Forest fire season."

Extension of season to 60 days.

Forest protection is defined as the work of prevention, detection and suppression of fire in forest material or on forest land.

"Forest protection."

HeinOnline -- 1955 481 1955

"Owner." Owner is defined as the person, firm, association or corporation having the actual, beneficial ownership of forest land, or timber, other than an easement, right-of-way, or mineral reservation."

Approved March 5, 1955.

CHAPTER 217

An Act to Amend Section 81-1407 of the Revised Codes of Montana, 1947, Relating to Issuing Permits to Remove Timber for Fuel, and Providing for a Repealing Clause and Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That section 81-1407, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Free permits for fuel and domestic use of down timber. "81-1407. Permits may be issued free of charge for dead, down or inferior timber in such quantities and under such restrictions and regulations as the state land board may approve for fuel and domestic purposes to residents and settlers of the state.

Permits for commercial use. Permits may be issued to citizens of the state for commercial purposes at commercial rates without advertising under such restrictions and rules as the state land board

Limitations on quantity. may approve for timber in quantities of less than one hundred thousand (100,000) feet board measure; *and in cases of emergency due to fire, insect, fungus, parasite, or blowdown, and no other, in quantities of less than two hundred thousand (200,000) feet board measure;* provided, repeated permits of this kind shall not be issued to avoid advertising and the consequent competition secured thereby.

Cutting and removal permits for domestic purposes. Permits for cutting and removal of timber may be issued to farmers, ranchers, and prospectors with such restrictions and regulations as the board may approve for timber in quantities of twenty-five thousand (25,000) feet board measure, or less, when it is to be used for domestic purposes in the repair and development of the ranch or farm; provided, that not to exceed twenty-five thousand (25,000)

Limitation. feet board measure shall be granted in any one (1) year to any one (1) person; and provided, that the rates of

HeinOnline -- 1955 482 1955

charge for such permits shall be fixed by the state land board."

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 5, 1955.

CHAPTER 218

An Act to Amend Section 81-1411 of the Revised Codes of Montana, 1947, Relating to the Duties of State Forester, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 81-1411, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"81-1411. The state forester shall, under the direction and control of the state board of land commissioners, do all the field work in the selection, location, examination, appraisement, and re-appraisement of state timber lands, whether now belonging to the state or hereafter granted to the state; he shall do all acts required of him to be performed by the said board, and under the direction of said board shall have general charge of the timber lands of the state. He shall act as secretary of the forestry board. He shall, under the supervision of the state board of land commissioners, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all fire wardens of the state and direct and aid them in their duties; direct the protection, improvement and *condition of state* forests; take such action as is authorized by law to prevent and extinguish forest, brush and grass fires; enforce the laws pertaining to forest and brushcover lands, and prosecute for any violation of such laws. He shall prepare annually a report to the governor on the progress and condition of the state *forests,* and recommend therein plans for improving the state system of forest protection, management, and replacement. He shall furnish notices, printing in large Duties of state forester.

HeinOnline -- 1955 483 1955

letters, calling attention to the danger from forest fires, and to the forest fire and trespass laws, and their penalties. Such notices shall be posted by the fire warden in conspicuous places in the several counties of the state, and particularly in brush and forest-covered country, at frequent intervals along streams and lakes frequented by tourists, hunters, and fishermen, at established camping sites, and in every post office in the forested region."

Effective immediately.

Section 2. This act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 219

An Act to Amend Section 81-1408 of the Revised Codes of Montana, 1947, Relating to the Duties of State Forester Concerning Timber Sales, and Providing for a Repealing Clause and Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 81-1408, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Duty of state forester.

"81-1408. It shall be the duty of the state forester to supervise all the timber before it is cut, to secure the most complete utilization of all forest products consistent with the current lumbering practice. It shall be his duty to instruct and supervise the cruisers, forest wardens and scalers in the conduct of their work; and to fix and establish the standard practice in timber sales administration. *He shall require that each merchantable log be scaled by the Scribner decimal C. log rule at the small end on the average diameter inside bark taken to the nearest inch, and that deduction be made for all apparent defect. He shall fix and determine converting factors and units of measure for all forest products other than saw logs, which shall be as nearly as practical equivalent to the Scribner decimal C. log scale. Records of the scale of logs and measurement of other forest products shall be kept as a permanent public record showing the date of scale or measurement, the designation of the sale and the name of the scaler.* Where the

Fix standard practices.

Scaling system, and records to be kept.

HeinOnline -- 1955 484 1955

volume of timber involved is not in excess of one million (1,000,000) board feet log scale, the state forester is authorized to designate each tree to be cut and make a tree scale measurement of all trees to be sold."

May designate individual trees.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Effective immediately.

Approved March 5, 1955.

CHAPTER 220

An Act to Amend Section 81-1415 of the Revised Codes of Montana, 1947, Relating to Duties of Fire Wardens and Forester, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 81-1415, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"81-1415. The state forester, assistant forester, and all fire wardens (except volunteer wardens), under such rules and regulations as the state board of land commissioners may provide, shall protect the timber of the state, and especially the timber owned by the state, from destruction by fire, and for such purpose, in emergencies, may employ men and incur other expenses when necessary."

Powers of forester and fire wardens in timber protection.

Section 2. This act shall take effect and be in full force from and after its passage and approval.

Effective immediately.

Approved March 5, 1955.

CHAPTER 221

An Act to Amend Section 94-3334 of the Revised Codes of Montana, 1947, Relating to Injury to Trees on Public Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 94-3334, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

HeinOnline -- 1955 485 1955

Penalty for injury to trees on public land.

"94-3334. *Injury to Trees on Public Lands.* Every person who commits a trespass on or any injury to any state lands or the improvements thereon, or who, without the proper authority, cuts, fells, girdles, injures or destroys any trees or timber upon any of the school, university or other state lands, or removes or attempts to remove the same, or knowingly purchases or receives such trees or timber, or advises the removal thereof, is guilty of a misdemeanor, and is also liable to the state for three (3) times the value of said trees or timber, or lumber into which the same are converted.

Disposition of funds collected.

All fines collected and all moneys recovered by virtue of this section must be paid into the *trust fund if the lands involved are held in trust either through deed or grant or be paid to the funds of the state departments administrating such lands where lands not held in trust are involved.*"

Approved March 5, 1955.

CHAPTER 222

An Act to Amend Section 28-119 of the Revised Codes of Montana, 1947, Relating to Sawdust Piles — Restriction, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 28-119, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Sawdust piles—restrictions.

"28-119. *Sawdust Piles — Restriction.* No sawmill located within or contiguous to forest lands shall accumulate in one pile, sawdust in excess of an amount resulting from the sawing of five hundred thousand (500,000) feet log scale of saw logs, provided, however, that a larger sawdust pile may be accumulated when there is no reasonable danger of fire therefrom and a permit for the additional accumulation is granted by the state forester. Each sawdust pile so accumulated shall be prepared for burning by cribbing the base of each pile with slabs *and burned* in accordance with regulations issued by the board of forestry."

HeinOnline -- 1955 486 1955

Section 2. This act shall take effect and be in full force from and after its passage and approval. Effective immediately.

Approved March 5, 1955.

CHAPTER 223

An Act to Amend Sections 26-901, 26-902, 26-904, 26-905 and 26-906 of the Revised Codes of Montana, 1947, as Amended by Chapter 173, Laws of 1949, and as Amended by Chapter 184 of the Session Laws of the Thirty-second Session of 1951, Relating to the Licensing of Outfitters; Penalty for Acting as an Outfitter Without a License; Defining Outfitters; Requiring All Outfitters to Keep Records and Submit an Annual Report to the Director of State Fish and Game Department; Providing That Outfitters Are Equally Responsible With Others for Violation of Laws; Providing for the Report of Violation; Providing a Date When This Act Shall Become Effective; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

That sections 26-901, 26-902, 26-904, 26-905 and 26-906 of the Revised Codes of Montana, 1947, as amended by chapter 173, laws of 1949, and as amended by chapter 184 of the thirty-second session, 1951, be, and the same is hereby amended to read as follows: Amending clause.

"Section 1. 26-901. It shall be unlawful for any *persons,* company or corporation to engage in the business of outfitting without such person, persons, company or corporation having first obtained *an* outfitter's license from the state fish and game *commission.* Outfitter's license.

"Each outfitter shall be a financially responsible citizen of the United States, a bona fide resident of the State of Montana, and possess proper equipment for the protection and convenience of his guests. Before issuing any outfitter's license, the *director* shall be satisfied that the applicant therefor shall possess the necessary ability, experience and equipment *to fulfill the duties and responsibilities of an outfitter according to such standards that have been adopted by the commission. Any application for an out-* Qualifications of outfitter. Standards to be established by commission. Applications.

HeinOnline -- 1955 487 1955

fitter's license made to the commission may be held for thirty (30) days for investigation. The director may refuse a license to any such applicant who does not qualify under the standards adopted by the commission, however, applicant may appeal to the commission within twenty (20) days of the date of the refusal and the commission shall hold a hearing on such appeal and the decision of the commission shall be final on said application. Before issuance of a license to any outfitter, the applicant therefor shall file a written application with the *director of state fish and game department* and said application shall be signed and sworn to by the applicant, stating in detail the name, address, and the property owned and used in said business by such applicant, *whether he intends to outfit for hunting or fishing parties or both,* his citizenship and such other facts as may be required to fully inform the *director* of the ability of the applicant to comply with this act, and the rules and regulations of the state fish and game commission.

Surety bond required.

An applicant for an outfitters license shall file in the office of the state fish and game commission a corporate surety bond executed to the State of Montana in the penal sum of one thousand dollars ($1,000.00) conditioned upon the faithful performance on the part of the outfitter, his agents or employees, and in compliance with the provisions of the laws of the State of Montana and the rules and regulations of the commission. The fee for an outfitters license shall be ten dollars ($10.00) and shall expire annually on January 1. This license shall authorize an outfitter to act as a guide for any person or party engaging him as an outfitter. The residential requirements herein provided for procuring *an* outfitter's license are hereby waived for the citizens of any state or states to the same extent that the home state of the applicant waives such residential requirements of the citizens of the State of Montana, providing that such waiver shall extend only to counties bordering on a state adjacent to the State of Montana. *No outfitter is authorized to shoot or attempt to shoot or kill or take fish or game for those engaging him as an outfitter.*

Fee.

Reciprocity.

Outfitter forbidden to take fish or game for employer.

"Outfitter" defined.

"Section 2. 26-904. (3748) For the purpose of this act, the word 'outfitter' shall mean any person or persons, *company or corporation* who shall engage in the business of outfitting for hunting or fishing parties, as the term is

HeinOnline -- 1955 488 1955

commonly understood, who shall for *consideration* provide any saddle or pack animal or animals *or personal service for hunting or fishing parties, camping equipment, vehicles or other conveyance except boats for any person or persons to hunt, trap, capture, take or kill any game,* or who shall for *consideration furnish a boat or other* floating craft and accompany any person or persons for the purpose of catching fish, or who shall aid or assist any person or persons in locating *or* pursuing any game animal.

Vicarious liability of outfitter.

"Section 3. 26-906. (37-50) Any person *accompanying a hunting or fishing party as an* outfitter or agent or employee of *such* outfitter shall be equally responsible with any person or party employing *him* as *an* outfitter for any violation of the law; any such outfitter *or employee of such outfitter,* who shall willfully fail *to* or refuse to report any violation of the law, shall be liable to the penalties as herein provided.

Records to be kept by outfitter.

"Section 4. 26-905. (37-49) Whenever an outfitter is *engaged* by any person or party, such outfitter shall keep a record showing the name, address, license number, dates employed by each person *or party* and the numbers *and* kind of game killed or amount of fish taken. Such information contained in the record shall be *kept* available *for the period of one (1) year.* Failure on the part of any outfitter to comply wtih the provisions of this act shall be sufficient cause for revocation of *an* outfitter's license by the commission.

Penalty for violation of act.

"Section 5. 26-902. (37-46) Any person who shall act as *an* outfitter without *having an outfitter's* license as the term 'outfitter' is commonly understood, or any outfitter who shall wilfully fail to report any violation committed by any person or persons employing him as *an* outfitter, *or any employee who shall willfully fail to report any violation committed by any person or persons whom he is accompanying as a guide,* or who shall be found guilty of a violation of the state fish and game laws, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided *by law,* and in addition, when any outfitter or agent or employee shall be found guilty of a violation of the fish and game laws, or rules and regulations of the commission, *or who shall advertise himself to be an outfitter and shall willfully misrepresent his facilities,*

HeinOnline -- 1955 489 1955

services, or equipment used, shall have his license revoked *upon conviction of willful misrepresentation,* and said license heretofore issued shall be revoked at the discretion of the *director, with the approval of the commission,* for a period of not less than two (2) years, nor more than five (5) years."

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective Jan. 1, 1956.

Section 7. *This act shall be in full force and effect from and after January 1, 1956.*

Approved March 5, 1955.

CHAPTER 224

An Act to Amend Section 60-144, Revised Codes of Montana, 1947, Relating to the Oil and Gas Conservation Commission; Providing That the Owners of Stratigraphic Test Wells Shall Within Six (6) Months From Date of Cessation of Drilling of Such Wells Make Available to the Bureau of Mines and Geology at the Well Complete Sets of Sample Cuttings and Representative Cores or Chips and Well Logs, for Impounding by Said Bureau; Specifying Certain Information to be Contained in Said Well Logs; Providing Further That the Commission May Not Request Such Cores, Cuttings, Chips and Logs From Stratigraphic Test Wells Until a Period of Three (3) Years From the Time of Their Impounding With the Bureau of Mines and Geology of the State of Montana; Providing That Said Bureau Shall Not Give Any Person Access to or Information About Such Impounded Material; Providing That Owners of Stratigraphic Test Wells Shall Provide the Commission With a Bond Prior to Drilling, and Abandoned Stratigraphic Test Wells Shall be Plugged; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 60-144, Revised Codes of Montana, 1947, be, and the same is, amended to read as follows:

Well owners to make cores, cuttings, available to commission.

"60-144. **Owners Shall Make Available to Commission Cores and Cuttings.** Any owner drilling a well for gas

HeinOnline -- 1955 490 1955

or oil shall make available at the well to the commission cores, when available, and the cuttings from such well if and when required by regulation or order of the commission, and the commission shall cause such cores and cuttings to be delivered to the bureau of mines and geology of the State of Montana as the bureau may from time to time request; providing, however, that cores or cuttings from exploratory or wildcat wells need not be made so available for a period of six (6) months following completion or abandonment of such wells. *The owner of any stratigraphic test well drilled for the purpose of obtaining lithologic information useful in potential oil and gas operations, as such well is defined by the commission's rules and regulations, shall within six (6) months from the date of the cessation of the drilling of such well, make available to the bureau of mines and geology of the State of Montana at the well, complete sets of sample cuttings and representative cores or chips and well logs of such wells, which logs shall include among other information the size of casing used and the type and depth of water if any located, and such cuttings, cores, chips and logs shall be impounded and kept secure and confidential by the said bureau until such time as requested by the commission; provided that the commission may not request such logs, chips, cores and cuttings from stratigraphic test wells until a period of three (3) years from the date of their impounding by the bureau of mines and geology of the State of Montana has elapsed unless the owner of such stratigraphic test well consents to their use by the commission prior to the expiration of the three (3) year period. The bureau of mines and geology of the State of Montana, during the period of impoundment for any cores, cuttings, chips and logs from any stratigraphic test well, shall not give the commission or any person access to said cores, chips, cuttings or logs, and shall not disclose any information relating thereto or derived therefrom. The commission shall require, and the owner of any stratigraphic test well shall furnish, prior to the commencement of drilling of such well, a good and sufficient surety bond, to be approved prior to the commencement of such drilling, conditioned upon the proper plugging of such well prior to abandonment, the amount of the said bond to be determined by the estimated depth as in the commission's rules and regulations provided for oil and gas wells, and, prior to abandonment, such wells*

Six months' time on wildcats.

Samples of test wells to bureau of mines and geology in six months, impounded.

Three years' time to commission.

Commission to require bond for plugging.

HeinOnline -- 1955 491 1955

shall be plugged by the owner thereof, or by the surety should the said owner be in default, such plugging to conform to the standards set down and determined by the commission. The provisions of this section shall not apply to core holes or tests less than 1000 feet in depth drilled primarily for structural information.''

Limitation.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1955.

CHAPTER 225

An Act to Amend Section 91-4911 of the Revised Codes of Montana of 1947, Relating to Mortgaging or Leasing of Real Estate by Guardians, to Specifically Authorize and Include Oil and Gas Leases Therein and Easement for Right of Way.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 91-4911 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Mortgage, lease, grant trust lands, procedure.

''91-4911. **Procedure to Mortgage, Lease** *or Grant Right of Way.* To obtain an order to mortgage, lease such real estate, *or grant a right of way,* the proceedings to be taken and the effect thereof must be as follows:

''1. The guardian, or any person interested in the estate of the ward, shall file a verified petition showing, in the case of an application to mortgage real property, the following matters: the particular purpose or purposes for which it is proposed to make the mortgage, which shall be either to pay the debts, costs and charges of maintenance, charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said realty, or some part thereof, or for the purpose of benefiting or improving the real estate of the ward; a statement of such debts, charges, costs of administration, or liens or mortgages to be paid, reduced, extended, or renewed, or the purpose and advisability of improving the real estate, as the case may be; the advantage that may accrue to the estate from raising money, the amount proposed to be

HeinOnline -- 1955 492 1955

raised, together with the general description of the property proposed to be mortgaged, and the names of the ward and next of kin, if any, so far as known to the petitioner. In the case of an application to lease *or grant an easement for right of way, including an application to make an oil and gas lease,* said petitioner shall show the advantage that may accrue to the estate from giving the lease *an easement for right of way;* a general description of the property proposed to be leased *or the easement for right of way to be granted;* the terms, rental and general conditions of the proposed lease *or right of way to be granted;* and the names of the ward and next of kin, so far as known to the petitioner.

Decedents' property law applicable.

"2. Thereafter the same procedure shall be had in all respects as is provided by the laws of Montana relating to the mortgaging or leasing of the real estate of a decedent, and the following sections are hereby expressly made applicable to the mortgaging or leasing of a ward's property by a guardian: section 91-3101, sections 91-3103 *to 91-3109, inclusive.*"

Approved March 5, 1955.

CHAPTER 226

An Act to Amend Section 3 of Chapter 183 of the Session Laws of the Thirty-third Legislative Assembly of Montana, 1953, Relating to the Creation of Mosquito Control Districts, Providing for the Form of Petition Therefor, by Whom Said Petition Shall be Signed, the Filing Thereof With the Board of County Commissioners and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 3 of chapter 183 of the session laws of the thirty-third legislative assembly of Montana, 1953, be, and the same is hereby amended to read as follows:

Mosquito district petition, contests, hearing.

"Section 3. When a petition signed by twenty-five per cent (25%) of the resident freeholders of any proposed district, is presented to the board of commissioners of such county, asking for the creation of a mosquito control district, the commissioners shall set a day for the hearing of

HeinOnline -- 1955 493 1955

the same and order notice thereof to be given to all persons interested, as is hereinafter provided. Said petition shall
Area described. set forth the boundaries of the proposed district. Such proposed district may include any incorporated or unincorporated city or town of the county.

Effective immediately. Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 227

An Act to Name the New State Laboratory Building Located at the Corner of Lockey and Roberts Streets in the City of Helena, Montana, the "Montana State Laboratory Building"; and Directing and Empowering the State Board of Examiners to Designate and Inscribe the Name "Montana State Laboratory Building" Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

"Montana State Laboratory Building" named. Section 1. The new state laboratory building located on the corner of Lockey and Roberts streets, in block 21 of the Corbin addition to the city of Helena, Lewis and Clark County, State of Montana, shall be hereafter known as the "*Montana state laboratory building*".

Board of examiners to name and inscribe. Section 2. The board of examiners of the State of Montana is hereby directed and empowered to designate and name the said laboratory building as the "*Montana state laboratory building*" and to suitably inscribe therein and thereon the name "*Montana state laboratory building*".

Effective immediately. Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 228

An Act to Amend Section 75-1632, Revised Codes of Montana, 1947, as Amended in Chapter 207, Subsection 2, Session Laws of 1951 and by Chapter 233, Session Laws of 1953, Relating to Duties of Trustees, to Provide for Auditing of Extracurricular Accounts by the State Bank

HeinOnline -- 1955 494 1955

Examiner or a Qualified Accountant, to Provide for Publication of Filing of Audit, and to Provide for Payment of Audit and Publication From Extracurricular Funds or School District Funds as the Board of Trustees May Decide; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing for the Act to Take Full Force and Effect From and After the Date of Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-1632, of the Revised Codes of Montana, 1947, as amended in chapter 207, subsection 2, session laws of 1951 and by chapter 233, session laws of 1953, be, and the same is hereby amended to read as follows:

Duties of trustees.

"Section 75-1632. **Duties of Trustees.** Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

Prescribe rules.

"1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction for their own government of schools under their supervision.

Employ and discharge teachers.

"2. To employ or discharge teachers, mechanics or laborers, and to fix and order paid their wages; provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at a special or regular meeting; nor unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.

Tuition rates.

"3. To determine the rate of tuition of non-resident pupils.

"4. To fix the compensation of the clerk.

"5. To enforce the rules and regulations of the superintendent of public instruction for the government of schools, pupils, and teachers and to enforce the course of study.

"6. To provide for school furniture and for everything needed in the schoolhouse or for the use of the school board.

HeinOnline -- 1955 495 1955

Repair, rent, insure buildings.

"7. To repair and insure schoolhouses and to rent, lease and let to such persons or entities as the board may deem proper, the grade school halls, gymnasium and buildings and part thereof for such time and rental as the board may designate. All rentals shall be paid to the county treasurer for the credit of the school district.

Acquire, dispose of land.

"8. To purchase, acquire, sell and dispose of plots or parcels of land to be used as sites for schoolhouses, school dormitories and other school buildings, and for other purposes in connection with the schools in the district; to build, purchase or otherwise acquire schoolhouses, school dormitories and other buildings necessary in the operation of schools of the district, and to sell and dispose of the same; provided, that they shall not build or remove schoolhouses or dormitories, nor purchase, sell or locate school sites unless directed so to do by a majority of the electors of the district voting at an election held in the district for that purpose, and such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers, and notice thereof shall be given by the clerk by posting three (3) notices in three (3) public places in the district at least ten (10) days prior to such election, which notices shall specify the time, place, and purpose of such election. Provided, further, that this subdivision shall not be so construed as to prevent the board of trustees from purchasing one (1) or more options for a school site.

Necessity for election.

"9. To hold in trust for their district all real or personal property for the benefit of the school thereof.

"10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six (6) years of age where the interest of the school requires such exclusion.

Clothing, medical aid for indigent children.

"11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed; and when deemed advisable to employ a physician or registered nurse to make inspection into the sanitary conditions of the school and the general health conditions of each pupil, and to make a full, detailed report to the board of trustees. The clerk of the district shall furnish immediately to each parent or guardian a copy of such portion of the above mentioned report as pertains to his child or ward.

HeinOnline -- 1955 496 1955

"12. To require pupils to be furnished with suitable books as a condition of membership in school. Books—

"13. To exclude from school and school libraries all books, tracts, papers and other publications of immoral and pernicious nature. Censorship of books, etc.

"14. To require teachers to conform to the law.

"15. To make an annual report, as required by law, to the county superintendent on or before the first (1st) day of August in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction. Report to county superintendent.

"16. To make a report directly to the superintendent of public instruction whenever instructed by him to do so. State superintendent.

"17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent in districts of the third class. Curriculum.

"18. To visit every school in their district at least once in each term, and to examine carefully into its management, conditions, and needs. This clause applies to each of the trustees. Visit schools.

"19. To provide separate privies or outhouses for the use of the sexes at all schoolhouses, where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty (20) feet apart, and to require that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; provided, that any trustee or trustees, teacher, janitor, or janitors, failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars ($100.00), or imprisoned in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court. Provide outhouses.

HeinOnline -- 1955 497 1955

Admission of outside pupils.

"20. To allow pupils residing in other districts to attend school in the district of which they have charge, if in their judgment there is sufficient room.

Display flag.

"21. To procure, by purchase or donation, and to cause to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every schoolhouse in their respective districts. Said flags shall be of dimensions not less than four (4) by six (6) feet, and shall be made from durable material. The school trustees are hereby authorized and empowered to use such portion of the school funds as remain in their hands, and which is not otherwise appropriated, for the purchase and erection of fixtures.

"22. To close school at their discretion during the annual session of the state teachers' association, and to allow teachers to attend the same without loss of salary.

School lunches.

"23. To provide foods, cooks, janitor services and equipment for school lunches when deemed advisable by the board. Governed by its own judgment, the board may impose a money charge, produce or services from the pupils desiring to and participating in the program of school lunches.

Accounting of extracurricular funds.

"24. To provide for a system of bookkeeping and annual auditing of extracurricular funds; such bookkeeping system to be recommended by the state bank examiner and such audit to be made by a qualified accountant or by the state bank examiner if so requested. If the audit is made by the state bank examiner, then, there shall upon completion of the audit, be paid a fee of thirty dollars ($30.00) per day per man, together with actual transportation expenses, into the state treasury, and the state treasurer shall accredit such payment to the special examiner's fund. A certified copy of such audit shall be filed with the county superintendent of schools, and *notice of such filing and the availability of the audit to public inspection,* shall be published by said superintendent in the next publication of a newspaper published within the district, or, in case there be no paper published within the district, in a newspaper published within the county, if any, and if none within the county then in the nearest newspaper published in an adjoining county and payment of such publication *and*

Publication of notice of audit.

HeinOnline -- 1955 498 1955

audit shall be made from the extracurricular funds *or from school district funds, as the board of trustees may decide.''*

Examiner or qualified accountant to audit annually.

Section 2. On or before the first (1st) day of January, 1954, and annually thereafter, the board of trustees of each school district coming under the provisions of this act, shall decide whether the aforesaid audit shall be made by the state examiner or by a *qualified* accountant to be employed by the district, and shall cause notice of its decision to be given to the state examiner.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 229

An Act to Amend Section 7 of Chapter 154 of the Session Laws of the Thirty-third Legislative Assembly of 1953, Defining the Word ''District'' to Mean Consisting of Forty (40) Acres.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 7 of chapter 154 of the session laws of the thirty-third legislative assembly of the State of Montana of 1953, be, and the same is hereby amended to read as follows:

"District" defined.

''Section 7. For the purposes of this act the word 'district' shall mean any area that consists of not less than forty (40) acres.''

Approved March 5, 1955.

CHAPTER 230

An Act to Amend Section 28-402 of the Revised Codes of Montana, 1947, as Amended by Chapter 83, Laws of 1949, and as Amended by Chapter 16, 1953, Relating to the Disposal of Slashings.

HeinOnline -- 1955 499 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 28-402, Revised Codes of Montana, 1947, as amended by chapter 83, laws of 1949, and as amended by chapter 16, 1953, be, and the same is hereby amended to read as follows:

Disposal of slashings required.

"28-402. Every person, firm or corporation, hereinafter called the operator, who shall hereafter, for commercial purposes, cut any timber, logs, trees, posts, ties, poles, cordwood, pulpwood or any other forest product upon any lands within the State of Montana, shall remove any forest fire hazard to the property of others that may be created by the slashings, or other forest debris incident to such cutting operations. Provided, however, that an expenditure in excess of seventy-five cents (75¢) for each one thousand (1,000) feet log scale, or the equivalent thereof if products other than logs are cut, shall not be required. Slash and debris will be disposed of during the cutting operations or as soon thereafter as is practical. Provided, however, that any fire hazard to the property of others created by said slash and debris shall under no conditions be allowed to remain for more than eighteen (18) months in any portion of the cutting area except with written permission of the state forester. If and when the operator has satisfactorily disposed of said slash or debris in accordance with the law and the rules and regulations of the state board of forestry he will be so notified, in writing, by the state forester.

Proviso.

Time limit—18 months.

Operator may elect to have state forester act.

Any operator, as defined herein, may elect to have said slash and debris, incident to his cutting operations treated, protected or disposed of by the state forester under the rules and regulations of the state board of forestry. Said operator will deposit with the state forester the estimated costs of such disposal at such times and in such amounts as the state forester may direct, but in no event shall such deposit or payment exceed, in the aggregate, an amount equal to seventy-five cents (75¢), multiplied by the number of thousand of feet log scale cut from the forest area involved. The state forester will refund to said operator all sums deposited over and above costs of slash and debris treatment, protection or disposal.

Purchaser to notify state forester.

Each person, firm or corporation, hereinafter called the purchaser, who shall hereafter purchase or contract to

HeinOnline -- 1955 500 1955

purchase any *timbers,* logs, ties, posts, poles or other forest products cut from any forest lands within the State of Montana, shall within five (5) days after making said purchase or contract to purchase, notify the state forester of such purchase or contract together with the name of the person furnishing said forest products and the name of the owner of the land from which said products are cut. Each purchaser shall withhold, before making payment for such products a sum equal to seventy-five cents (75¢) for each thousand (1,000) feet log scale or the equivalent thereof if forest products other than logs are to be cut under such contract, unless the state forester has notified said purchaser that slash and debris from the cutting operator furnishing the forest products has been disposed of, or that the cutting operator has complied with the law. When the state forester is satisfied that said slash and debris, creating a fire hazard to the property of others, has been or will be legally treated, protected or disposed of by the cutting operator in accordance with the requirements of law and of the rules and regulations of the state board of forestry, he will release said money withheld by purchaser to insure compliance with the law. If, on or before the conclusion of said purchase or contract to purchase, the state forester has not released said withheld moneys the purchaser shall, upon demand, immediately remit the moneys withheld to the state forester. The state forester will issue receipt, therefore, to the purchaser. Said receipt shall discharge the purchaser from any and all liability for moneys withheld from cutting operator in the amounts shown by said receipt. The state forester shall retain such moneys as a surety covering treatment, protection or removal of said slash and debris or may, at his discretion procure the treatment, protection or disposal of said slash and debris by applying said money, or so much thereof as may be necessary in payment of the costs of such abatement.''

Sum to be withheld by purchaser.

Money released when slashing removed.

Approved March 5, 1955.

CHAPTER 231

An Act Relating to Widows' Election and Amending Section 22-107 of the Revised Codes of Montana of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 501 1955

Amending clause.

Section 1. That section 22-107 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Testamentary devise bars dower.

Widow may elect will or succession.

"Section 22-107. **Widow May Elect.** Every devise or bequest *to her by her husband's will* shall bar a widow's *dower* in *his* lands *and* her share in *his* personal estate unless otherwise expressed in the will; *but* she may elect whether she will take *under the provisions for her in the will of her deceased husband or* will renounce the benefit of such *provisions for her,* and take her dower in the lands and her share in the personal estate *under the succession statutes, as if there had been no will, but not in excess of two-thirds (2/3) of the husband's net estate, real and personal, after the payment of creditors' claims, expenses of administration and any and all taxes, including state and federal inheritance and estate taxes.*"

⅔ limit on succession.

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith, are hereby repealed.

Approved March 5, 1955.

CHAPTER 232

An Act to Amend Section 75-1805 of the Revised Codes of Montana, 1947, Relating to the Creation and Change in Territory in School Districts, and Providing for Qualifications of Petitioners for Such Change of Boundaries, and Providing for the Limitation for the Remaining Taxable Valuation of the District From Which the Territory is Taken is Composed of Fifty Thousand (50,000) Acres of Nontaxable Indian Land; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith, and Providing This Act Shall be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-1805 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"75-1805. (1024) **Creation of New Districts Out of Other Districts — Change of Boundaries.**

HeinOnline -- 1955 502 1955

Creation of new districts—requirements, procedure.

(1) A new school district may be created out of portions of one (1) or more existing school districts where the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of property remaining in each district from which territory is taken is not reduced below seventy-five thousand dollars ($75,000.00) and where the number of census children between the ages of six (6) and sixteen (16) years is not reduced below fifteen (15). For the purpose of organizing a new school district out of one (1) or more existing districts, a petition in writing shall be made to the county superintendent of schools, signed by parents or guardians of at least ten (10) census children between the ages of six (6) and sixteen (16) years, residing within the boundaries of the proposed new district, and residing at a greater distance than three (3) miles from any school house owned by any one of such school districts in which a school is maintained. The petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing therein at the date of the presenting of said petition. The petition shall also show the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of the property within the proposed new district which must not be less than seventy-five thousand dollars ($75,000.00) as shown by the last completed assessment roll.

County superintendents, notice and hearing.

(2) The county superintendent shall within five (5) days from the receipt of such petition give notice of the hearing of said petition by posting or causing to be posted, a notice thereof at least ten (10) days prior to the time appointed by him for consideration of said petition, in at least three (3) of the most public places in the proposed new district and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one (1) of the most public places in each of said old districts; and shall on the day fixed in the notice proceed to hear said petition at the place designated in said notice, which must be either at the court house of the county or else at the schoolhouse in one of the school districts affected, unless a protest in writing signed by at least a majority of the school electors residing within such proposed school district shall be filed with the county superintendent of schools before, or at the time fixed in the notice for the hearing of said petition, in which event the proposed school district shall not be created. If no such protest be

HeinOnline -- 1955 503 1955

filed, then the county superintendent, upon hearing the petition shall within ten (10) days from the date of such hearing, make an order establishing the new district and describing the boundaries thereof, or make an order denying such petition.

Appeal to board of county commissioners.

(3) An appeal may be taken to the board of county commissioners of the county, from either order made as aforesaid by three (3) resident taxpayers of either the old or the new district who are dissatisfied with said order. Such appeal shall be taken within thirty (30) days of the date of such order and upon the hearing of said matter by the board of county commissioners, a decision shall be rendered which shall be final. The appeals mentioned in this section shall be in writing, subscribed by the parties taking the appeal and shall recite sufficient facts to show their rights to appeal hereunder, and that is an appeal from the decision rendered, and such an appeal shall be filed with the county superintendent within thirty (30) days from the date of the order establishing such new district or denying such petition. The county superintendent shall, within twenty (20) days from the filing of such notice of appeal transmit to the board of county commissioners, and file in the office of the county clerk, the notice of appeal and all petitions, plates, and papers in his possession pertaining to the petition for the creation of such new school district.

Notice of appeal —posting.

(4) The county clerk shall forthwith, upon receipt of such notice of appeal, and other papers, give notice to all parties interested, by causing to be posted at least ten (10) days prior to the date of the next regular meeting of the board of county commissioners, in at least three (3) of the most public places in the proposed new district, and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one (1) of the most public places in each of said old districts, notices to the effect that the board of county commissioners will, at its office in the courthouse, upon a certain date, specifying the same in such notices, which date shall be during the next regular session of the board, finally hear and determine said appeal and said petition for the creation of such new district. The boundaries of any district can be changed in the following manner, to-wit:

HeinOnline -- 1955 504 1955

Transfer to different district, requirements, procedure.

(5) A majority of the resident taxpayers who are registered electors and whose names appear upon the last completed assessment roll for state, county and school district taxes, residing in territory which is a part of any organized school district may present a petition in writing to the county superintendent of schools, asking that such territory be transferred to, or included in, any other organized district to which said territory is contiguous, provided however, that no territory within three (3) miles of an established school in such district shall be so transferred and provided further that the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of property in the district from which territory is taken shall not be reduced to less than seventy-five thousand dollars ($75,000.00); *provided however, that this latter provision shall not apply in cases where the remaining taxable valuation of the district from which the territory is taken contains at least fifty thousand (50,000) acres of nontaxable Indian land.*

Proviso, where Indian land.

Contents of petition.

(6) The petition shall describe the territory which it is proposed to transfer or include, and shall also state the reason for desiring such change, and the number of children of school age, if any, residing in the territory to be transferred or included.

Filing, notice and hearing.

(7) The county superintendent shall file said petition in his office immediately on receipt thereof, and shall give notice to the parties interested by posting notices at least ten (10) days prior to the time appointed for considering said petition, one (1) of which shall be in a public place in the territory which is proposed to be transferred or included, and one (1) on the door of each schoolhouse in each district affected by the change, or if there be no schoolhouse in such district, then in some public place in such district or districts, and at the time stated in said notice for the consideration of such petition, which shall not be less than ten (10) days nor more than thirty (30) days after the date of filing such petition, he shall proceed to hear such petition, and if he deem it advisable and for the best interest of the territory proposed to be transferred or included, he shall grant such petition and make an order fixing the boundaries of the district so changed, which order shall be final, unless an appeal be taken to the board of county commissioners of the county wherein such dis-

Appeal.

HeinOnline -- 1955 505 1955

tricts are located within thirty (30) days thereafter, and upon hearing thereof the decision of said board shall be final.

Record on appeal.

(8) All the papers, documents, and records in the case shall be certified by the county superintendent to the county commissioners for their determination of the matter on appeal; provided, that lands lying contiguous to a district and not attached to any district shall be attached to an adjacent district by the county superintendent of his own motion, and provided further, that all districts shall consist of contiguous territory.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 233

An Act to Amend Section 75-4116 of the Revised Codes of Montana of 1947, Relating to County Bond Issue for County and District High Schools; Providing for the Proceeds of Such Bonds to be Divided Among the County High Schools and Accredited District High Schools, or Schools of the County Requiring the Question to be Submitted to the Electors of the County; and Providing for a Specified Amount to be Allotted County High School and That Amount to be Apportioned Accredited District High School or Schools; Providing for the Basis of Computation; Provided Money Allotted to District High Schools or Common School Districts, Exclusive of County High Schools Shall Not be Expended Until the Purpose of Expenditure Has Been Submitted to the Qualified Voters; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing This Act to be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-4116 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 506 1955

"Section 75-4116. (1262.15) **County Bond Issue for County and District High Schools.** In any county where a county high school and also one (1) or more accredited district high schools are maintained bonds of the county may likewise be issued in accordance with the provisions of this chapter and for any of the purposes aforesaid, the proceeds of such issue to be divided among the county high school and accredited district high school, or schools of the county. The question submitted to the electors of the county shall definitely state the amount which is to be allotted to the county high school and the amount which is to be apportioned to or among the accredited district high school, or schools; and in all such cases the amount allotted to the county high school and the amount to be apportioned among the accredited district high school or schools shall be computed upon the basis *of the taxable valuation of the county high school district, and of all the accredited district high school districts of the county during the year preceeding the submission of the question of the bond issue; provided, that in counties which have not been divided into high school districts, the distribution shall be computed upon the basis of the taxable valuation of the common school district in which the county high school is located, and the taxable valuation of all the common school districts maintaining district high schools in the county during the year preceeding the submission of the question of the bond issue provided, further, that moneys apportioned to any high school district or common school district under this act, exclusive of the county high school, shall not be expended until the purpose for such expenditure has been approved by a vote of the people of the district at an election conducted in the same manner as the election to vote on extra taxes for school purposes.*"

County bond issues for county and district high schools.

Division of proceeds.

Basis for computing division of proceeds.

Proviso, where not high school districts.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1955.

CHAPTER 234

An Act to Amend Section 60-145, Revised Codes of Montana, 1947, Relating to the Oil and Gas Conservation

HeinOnline -- 1955 507 1955

Commission, Privilege and License Tax, Quarterly Statements, Penalties — Drilling Permit Fees — Oil and Gas Conservation Fund; Providing Payments of Assessments Due the Oil and Gas Conservation Commission From Production of Natural Gas Shall be Made by the Operators, Producers, or Purchasers Thereof, as Directed by the Commission; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 60-145, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Privilege and license tax.

"60-145. **Privilege and License Tax, Quarterly Statements, Penalties — Drilling Permit Fees — Oil and Gas Conservation Fund.** A. For the purpose of providing funds for defraying the expenses of the operation and enforcement of this act, and the expenses of said commission, the operators and producers of oil and gas shall be required to pay the following schedule of assessments on each and every barrel of crude petroleum originally produced, saved and marketed or stored within the State of Montana, or exported from the State of Montana, to wit:

Rate.

on leases on which wells are producing an average of twenty-five (25) barrels per day or less, one-fourth of one cent (¼¢); on leases on which wells are producing an average of more than twenty-five (25) barrels per day, one-half of one cent (½¢); and on wells producing, saving and marketing, storing, or exporting natural gas, said

Adding gas purchasers.

operators and producers, *or the purchasers from said operators or producers, as the commission may within its discretion direct,* said operators and producers, *or purchasers,* shall pay one (1) mill per ten thousand (10,000) cubic feet; *provided, however, that in the event a purchaser of natural gas makes assessment payments as herein provided, such amounts as are paid as assessment may be chargeable against the producer or operator.* Such payments shall be made during the time said commission is in existence. Producers thereof shall make such payment on each and every barrel of crude petroleum, *and producers, operators, or purchasers shall make such payment on* each ten thousand (10,000) cubic feet of natural gas produced for themselves as well as for others including royalty holders and shall be

HeinOnline -- 1955 508 1955

reimbursed for such payments made on crude oil and natural gas produced for others in the same manner as they are reimbursed for net proceeds tax paid on crude petroleum or natural gas produced for others as provided for in section 84-5409.

Drilling permits.

"In addition to the above-mentioned privilege and license tax, any person, before commencing the drilling of any oil or gas well, shall secure from the commission a drilling permit and shall pay to the commission therefor the following amounts: for each well whose estimated depth is thirty-five hundred (3500) feet or less, twenty-five dollars ($25.00); from thirty-five hundred and one (3501) feet to seven thousand (7,000) feet, seventy-five dollars ($75.00); seven thousand (7,000) feet and deeper, one hundred fifty dollars ($150.00).

Rate.

Statements quarterly to state treasurer.

"B. Each producer of crude petroleum in the State of Montana, shall, not later than the last day of each of the calendar months of January, April, July, and October of each and every calendar year, beginning with the month of July of the year one thousand nine hundred and fifty-three (1953), render a true statement to the state treasurer of the State of Montana, and a duplicate thereof to the commission, duly signed and sworn to, of all crude petroleum produced by him in this state during the preceding three (3) calendar months, and containing such other information as the commission may require, and shall accompany such statement with the payment to the state treasurer of the assessment provided for in section 22-A, above, for the period covered by such statement. Each producer of natural gas in the State of Montana shall render like statements to the state treasurer of all natural gas produced by him in this state, and *he, or the purchaser of the natural gas produced by him,* shall make payment of the assessment provided for in section 22-A, at such times and for such periods as may be prescribed by regulation of the commission. Any producer carrying on business at more than one (1) place or location in this state may include all such places of business in one (1) statement.

Duplicate to commission.

Multiple locations in one report.

Delinquencies, penalties.

"C. Any such assessment not paid within the time herein specified shall be delinquent, and a penalty of twenty-five per cent (25%) thereof shall be added thereto and the whole thereof shall bear interest at the rate of one

HeinOnline -- 1955 509 1955

per cent (1%) per month from the date of delinquency until paid. Upon request of the commission it shall be the duty of the attorney general to commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect the same.

"Oil and gas conservation fund" established.

"D. All money collected under the provisions of this act shall be deposited in a special fund to be known as the 'oil and gas conservation fund' by the state treasurer of the State of Montana, and the fund to be raised shall

Purpose.

be used for the purpose of paying all expenses of said commission and for no other purpose; all monies from this fund shall be used by said commission subject to the approval of the controller and biennial appropriation by the legislative assembly. Upon the termination of said commission any balance remaining in said fund shall be paid over to the general fund of the state. All accounts and expenditures of said commission shall be certified by the

Payments from fund.

commission, approved by the board of examiners, and paid by the state treasurer upon warrants drawn by the state auditor out of the oil and gas conservation fund.

Commission employees.

"E. The commission may appoint a secretary and employ such other persons as experts, assistants, clerks, and stenographers, as may be necessary to perform the duties that may be required of it, and fix their compensation; provided, however, that the total expenditures of such com-

Limitation on expenditures.

mission shall not exceed in the aggregate during any fiscal year, the amount actually collected under the provisions of 22-A, plus any amount appropriated for that purpose, or otherwise accruing to the fund. The members of the commission shall be allowed their several expenses incurred in the discharge of their duties."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1955.

CHAPTER 235

An Act Defining Geophysical Exploration; Persons, Firms or Corporations Engaged in Geophysical Exploration Deemed Engaged in Doing Business in Montana; Necessity for Filing Notice of Intention to Engage in Geo-

HeinOnline -- 1955 510 1955

physical Exploration With County Clerk and Recorder; Necessity for Filing Bond With Secretary of State; Issuance of Geophysical Exploration Permit by County Clerk and Recorder and Contents of Said Permit; Cost of Said Permit and Disposition of Revenues Therefrom; Necessity of Having Said Permit in Possession During Periods of Exploration; Furnishing of Information on Geophysical Exploration Performed; Duty of County Attorneys to Prosecute Violations Hereof; Violation Deemed Misdemeanor, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

"Geophysical exploration" defined.

Section 1. A person, firm or corporation operating individually or through agents within the State of Montana for the purpose of geophysical exploration, in which exploration the seismograph is utilized along with explosives for the determination of geophysical data for any purpose whatsoever, and which person, firm or corporation either through its own employees or by hiring the services of others operates "seismograph crews", as the term is generally known, shall comply with the following provisions of this act; provided, however, that compliance with the provisions of this act by a seismograph crew or its employer shall constitute compliance herewith by that person, firm or corporation who has engaged the services of such crew or its employer as an independent contractor insofar as the geophysical operations of such crew are concerned.

Geophysical exploration deemed doing business, required registration, agency for service.

Section 2. A person, firm or corporation shall be deemed to be doing business within the State of Montana when engage in such geophysical exploration within the boundaries of this state, and shall, if not already qualified to do business within this state with a designation of an agent within the state for service of process, prior to such time, file with the secretary of state of the State of Montana an authorization, which authorization shall designate a resident agent for the service of process in any action which may be pending in a court in this state, which cause of action may have arisen out of such geophysical exploration.

Notice of intention required—county filing.

Section 3. It shall be necessary for any person, firm or corporation desiring to engage in such geophysical exploration within the State of Montana, prior to actually so engaging in such exploration, to file a notice of intention to

HeinOnline -- 1955 511 1955

engage in such geophysical exploration with the county clerk and recorder in each county in which exploration is to be carried on, or engaged in. The said notice of intention to engage in such geophysical exploration shall be filed prior to the actual commencement of such geophysical exploration.

Surety bond required.

Section 4. A person, firm or corporation desiring to engage in such geophysical exploration, shall also file with the secretary of state a good and sufficient surety bond in the amount of ten thousand dollars ($10,000.00) for a single such geophysical crew or a blanket surety bond in the amount of twenty-five thousand dollars ($25,000.00) for all such geophysical crews operating within the state for such person, firm or corporation, which bond shall indemnify the owners of property within this state against such physical damages to such property as may arise as the result of such geophysical exploration, and the said bond shall remain on file with the secretary of state so long as the exploration is carried on or engaged in, plus an additional *two (2) years* thereafter*; provided, however, that the aggregate liability of the surety shall, in no event, exceed the amount of said bond.* Upon the filing of such bond, said secretary of state shall issue to the person, or corporation a certificate showing that such bond has been filed and showing the name of the designated resident agent within the state for service of process for such person, firm or corporation.

County clerk to issue "geophysical exploration permit."

Section 5. The county clerk and recorder of each county in the State of Montana, upon compliance with the provisions herein contained, namely the filing of a notice of intention to engage in such geophysical exploration, in addition to a certificate or photostatic copy thereof from the secretary of the State of Montana certifying the name and address of the resident agent for service of process for said person, firm or corporation desiring to engage in such geophysical exploration, and certifying that the required surety bond has been filed with the said secretary of state, shall issue to such person, firm or corporation a "geophysical exploration permit", which permit will show the names of the person, firm or corporation; his or its principal place of business; if a firm or corporation, the names and addresses of its officers; the name and address of the resident agent for service of process for said person, firm

Contents of permit.

HeinOnline -- 1955 512 1955

or corporation; that a notice of intention to engage in such geophysical exploration has been duly filed; that a good and sufficient surety bond has been filed by the said person, firm or corporation, naming the surety company and giving its address; such permit to be signed by the county clerk and recorder and/or his deputy, and bearing the official county seal. Such permit shall be valid and effective for all such geophysical crews of the permittee during the calendar year in which it is issued. The cost of the said permit shall be five dollars ($5.00) per calendar year or any portion thereof for which issued, and the revenues realized therefrom shall go to the county so issuing. Such funds as are realized shall be applied toward payment of the cost of printing said permits, which shall be printed at the county seat, and such excesses shall, from year to year, go into the county's general fund; provided, however, that if printed forms are not available at the time any person, firm or corporation desires such permit and qualifies for its issuance, typewritten or other form of reproduction of such permit may be used and the fee of five dollars ($5.00) shall nevertheless be paid for its issuance and such fee shall be disposed of in the same manner. The said permit or photostatic copy thereof shall be carried by the person, or the agent of the firm or corporation, at all times during the period of such geophysical exploration and shall be exhibited upon demand by any county or state official.

Term.

Fee.

Exhibition of permit.

Section 6. Within three (3) months from the day any firing of shotpoints in such geophysical exploration is done by any person, firm or corporation within this state, such person, firm or corporation shall file with the county clerk and recorder of the county in which such work was done a record showing each township and range within said county in which such work was performed and the approximate date at which such work was performed. Such person, firm or corporation shall file with said county clerk and recorder a record showing the location of each such shotpoint and date fired within a maximum area of any square, four-section area of land, upon written request therefor by said county clerk and recorder, which request must be based upon the complaint of a property owner that physical damages to such property have arisen by reason of the use of the seismograph and explosives in such geophysical operations at some location within said maximum four-mile

Report of shotpoints fired.

Contents.

Report on request of county clerk—on complaint.

HeinOnline -- 1955 513 1955

Contents.

square area, and such written notice shall designate the name and address of the complaining person and shall describe the approximate date of the alleged damages and the nature of the alleged damages. The required record of operations in response to such written demand therefor by the county clerk and recorder shall be supplied within ten (10) days from the date on which such written demand is received.

Enforcement, county attorney.

Section 7. It shall be the duty of the several county attorneys to see that the provisions herein contained are complied with and that this law is enforced.

Penalty.

Section 8. A failure to comply with the terms of this act shall be deemed a misdemeanor and shall be punishable as is elsewhere provided in this code, either by fine or imprisonment, or both.

Repealing clause.

Section 9. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1955.

CHAPTER 236

An Act to Amend Section 75-4602, Revised Codes of Montana, 1947, as Amended by Chapter 237, Laws of the Thirty-third Legislative Session of the State of Montana, Relating to the Division of Counties Into and the Establishment of One (1) or More High School Districts Within Counties and Providing for the Manner in Which Said Districts May be Established; Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-4602, Revised Codes of Montana, 1947, as amended by chapter 237, laws of the thirty-third legislative session of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 75-4602. **Commission May Divide County Into High School Districts.** In all counties having a high school, or high schools, a commission consisting of the county commissioners and the county superintendent of

HeinOnline -- 1955 514 1955

schools shall at the request of any high school board of trustees in the county, divide the entire county into and establish one (1) or more high school districts for the purpose of this act, after hearing; provided, that each high school district so formed must have one (1) or more operating, accredited high schools within its boundaries; provided, further, that both parts of a joint district maintaining a high school may be considered as maintaining an operating high school, and as such each part of the joint district may, together with one (1) or more adjacent common school districts whose pupils attend the high school in the joint district, be set aside as a high school district. Provided, that, such resulting high school district in the county where the joint district high school is not located, shall be responsible for its share of the joint district high school budgets as is arrived at by following the procedure outlined in section 17, chapter 199, laws of 1949, and shall also be considered as a single high school district with the high school district of the joint district, wherein the high school is located for purposes of bonding as provided in sections 75-4601-4605, R. C. M., 1947, as amended by chapter 188, laws of 1951, and also for purposes of selecting additional trustees as provided for in section 75-4601, R. C. M., 1947, as amended by chapter 188, laws of 1951. That the commission shall fix the time, date and place, and at such time, date and place hold a public hearing of the requested division of the county into high school districts, at which hearing any interested person may appear and be heard concerning the requested division. Written notice of such hearing shall be mailed by the county superintendent of schools to the chairman of each and every board of trustees of each and every school district in the county, and the chairman of the board of trustees of the county high school, stating the time, date and place of such public hearing, and shall be mailed not less than two (2) weeks preceding the date fixed for such hearing. The certificate of the county superintendent of schools filed with the commission reciting that said notices were mailed shall be conclusive.

The boundaries established by said commission shall be subject to the approval of the superintendent of public instruction.

If any high school district shall cease to have within its borders an operating, accredited high school, then it shall

HeinOnline -- 1955 515 1955

be the duty of the county superintendent of schools to consolidate and annex the common school districts comprising said high school district to one or more operating high school districts within a period of six (6) months after one (1) year of being declared non-operating or non-accredited; *provided, that before said county superintendent of schools may declare such a consolidation and annexation, he shall give the board of trustees of each of the common school districts within said high school district proposed to be consolidated and annexed twenty (20) days' notice of his intention so to do.*

In creating such districts the commission shall give *primary* consideration to the factor of convenience of the patrons of the several schools. Common school districts may be grouped for the purpose of this act and when practicable high school districts shall be made up of contiguous and adjacent common school districts but the commission must take into consideration the existence or non-existence of obstacles of travel, such as mountains and rivers and existence or non-existence of highways and distances to high school. No common school districts shall be divided for the purpose of this act but must be made a part of a high school district in its entirety, unless such division is approved and authorized by the voters of the common school district involved, at a special election held for that purpose and such division shall be on the basis of equal area, or as near thereto as practicable in relation to the geographical features of such district, provided that the entire portion of a joint school district within the county shall be included within a high school district, *provided further that in the event twenty percent (20%) of the voters of a common school district be dissatisfied with the proposed action of said commission in dividing into and establishing high school districts, or in the proposed action of the county superintendent in consolidating and annexing a common school district theretofore constituting a part of a high school district to an existing high school district, and shall within thirty (30) days after the giving of the notice heretofore required, file their written protest with said county superintendent, then said common school district or districts shall be by said county superintendent, or by said commission as the case may be, directed to hold a special election for the purpose of determining which high school district said district shall be annexed to or into*

HeinOnline -- 1955 516 1955

which high school district said district shall be divided as hereinbefore provided, and the said superintendent or commission, as the case may be, shall be governed by the result of said election.''

Section 2. All acts and parts of acts in conflict herewith repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

CHAPTER 237

An Act to Amend Section 1 of Chapter 182 of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, Relating to the Salaries of the Governor, Justices of the Supreme Court, Attorney General, Secretary of State, Superintendent of Public Instruction, State Treasurer, State Auditor, Clerk of the Supreme Court, and Members of the Board of Railroad Commissioners, and Providing for an Increase in Such Salaries; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That chapter 182 of the laws of the thirty-first legislative assembly of the State of Montana, 1949, be, and the same is hereby amended to read as follows:

Salaries of state officials increased.

''Section 1. The annual salaries of the governor, each justice of the supreme court, attorney general, secretary of state, superintendent of public instruction, state treasurer, railroad commissioner and state auditor shall be:

Governor	*$12,500.00*
Chief Justice	*$11,000.00*
Justices of the Supreme Court, each	*$11,000.00*
Attorney General	*$ 9,000.00*
Secretary of State	*$ 7,500.00*
Superintendent of Public Instruction	*$ 7,500.00*
State Treasurer	*$ 7,500.00*
State Auditor	*$ 7,500.00*
Clerk of the Supreme Court	*$ 6,000.00*
Railroad Commissioner	*$ 7,500.00*

HeinOnline -- 1955 517 1955

The salary of each such officer shall be for all services required of him or which may hereafter devolve upon him by law, including all services rendered ex officio as a member of any board, commission or committee, but shall not include actual and necessary traveling, lodging and subsistence expenses incidental to his official duties."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 238

An Act to Amend Section 87-103 of the Revised Codes of Montana, 1947, as Amended by Chapter 191, Laws of Montana, 1953, and Sections 87-105 and 87-149 of the Revised Codes of Montana, 1947, Which Sections Are a Part of the Unemployment Compensation Law, by Increasing the Weekly Benefit Amounts in the Benefit Schedule; by Allowing a Surviving Spouse or Surviving Minor Children to Receive Payment of Benefits Due and Payable to a Deceased Claimant; Reducing the Waiting Period to One (1) Week; Preventing Interruption of Benefit Payments to a Claimant During a Period of Continuous Unemployment by Reason of Termination of Benefit Year; Amending the Definition of Total Unemployment; Excluding Earned Welfare Benefits From the Definition of Wages; Eliminating Repetition; Providing a Saving Clause; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 87-103 of the Revised Codes of Montana, 1947, as amended by chapter 191, laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Benefits. Payment.

"87-103. **Benefits.** (a) Payment of benefits. Thirty (30) months after the date when contributions first accrue under this act from the employer, benefits shall become

HeinOnline -- 1955 518 1955

payable from the fund to any individual, who thereafter is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the railroad unemployment insurance act (52 Stat. 1094), or for services performed for an employer, as defined in said act, shall not be included for the purposes of determining eligibility or weekly benefit amount under this act with respect to any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on and after July 1, 1939, be payable on the basis of such wages under any provisions of this act. All benefits shall be paid through public employment offices in the State of Montana, or other agencies designated by the commission, in accordance with such rules and regulations as the commission may prescribe.

Weekly benefit amount.

"(b) Weekly benefit amount — except as provided in section (c), an insured worker's weekly benefit amount shall be the amount in column B of the benefit schedule of this subsection on the line on which in column A there appears his total wages paid for insured work in that quarter of his base period in which his wages were highest: (designated in the benefit schedule as 'high quarter wages')

BENEFIT SCHEDULE

Benefit schedule.

Weekly benefit amount figures from weighted schedule of high-quarter wages and qualifying wages computed as one and one-half times high-quarter wages and maximum potential benefits in benefit year.

High Quarter Wages (Column A)	Weekly Benefit Amount (Column B)	Minimum Qualifying Wages (Column C)	Maximum Total Benefits (at 20 weeks) (Column D)
$170.00-189.99	$ *10.00*	$ 255.00	$ *200.00*
190.00-209.99	*11.00*	285.00	*220.00*
210.00-239.99	*12.00*	315.00	*240.00*
240.00-269.99	*13.00*	360.00	*260.00*
270.00-299.99	*14.00*	405.00	*280.00*
300.00-329.99	*15.00*	450.00	*300.00*
330.00-359.99	*16.00*	495.00	*320.00*
360.00-389.99	*17.00*	540.00	*340.00*
390.00-419.99	*18.00*	585.00	*360.00*

HeinOnline -- 1955 519 1955

420.00-449.99	*19.00*	630.00	*380.00*
450.00-479.99	*20.00*	675.00	*400.00*
480.00-509.99	*21.00*	720.00	*420.00*
510.00-539.99	*22.00*	765.00	*440.00*
540.00-569.99	*23.00*	810.00	*460.00*
570.00-599.99	*24.00*	855.00	*480.00*
600.00-629.99	*25.00*	900.00	*500.00*
630.00 or more	*26.00*	945.00	*520.00*

Such benefit shall not be more than *twenty-six* dollars *($26.00)* per week nor less than *ten* dollars *($10.00)* per week.

Qualifying wages.

"(c) Qualifying wages — to qualify as an insured worker an individual must have been paid wages for insured work in his base period totalling not less than the amount in column C of the benefit schedule in subsection (b) on the line on which in column B there appears his weekly benefit amount, and such wages must have been paid in at least two quarters of his base period; provided, that if any individual during his base period has not been paid such an amount but has been paid wages totalling not less than the amount appearing in column C on a line not more than three lines above, he can qualify as an insured worker and his benefit amount shall be the amount appearing in column B opposite the minimum qualifying wage which he has received.

Wage records.

"(d) Wage record. The commission shall maintain a record of the wages paid to an individual in accordance with wages earned by him for employment by employers during each quarter."

Accrued benefits at death.

(e) Benefits. All accrued benefits due and payable at the time of death to any deceased claimant shall be paid to the surviving spouse, or if there be no surviving spouse, then to the surviving children, or if there be no surviving children, then to the next of kin, without the necessity of any recipient obtaining letters testamentary or of administration.

Amending clause.

Section 2. That section 87-105 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Benefit eligibility conditions.

"87-105. **Benefit Eligibility Conditions.** An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that —

HeinOnline -- 1955 520 1955

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe, except that the commission may, by regulation, prescribe that such types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this act, provide for registration and reporting for work by mail or through other governmental agencies.

(b) He has made a claim for benefits in accordance with the provisions of section 87-107(a).

(c) He is able to work and is available for work and is seeking work, provided, however, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has registered for work and no suitable work has been offered to such claimant after the beginning of such illness or disability.

Carry-over benefit year.

(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of *one (1)* week. *However, if claimant's benefit year expires during a period of compensable unemployment, claimant will continue to receive weekly benefits, in a new benefit year, if otherwise eligible, without interrupton to serve the waiting week for the new benefit year, but will thereafter be required to serve the waiting week before receiving benefits during subsequent unemployment in the new benefit year.* No week shall be counted as a week of total unemployment for the purposes of this subsection:

(1) If the benefits have been paid with respect thereto;

(2) Unless the individual was eligible for benefits with respect thereto;

(3) Unless it occurs within the benefit year of the claimant;

(4) Unless it occurs after benefits first could become payable to any individual under this act."

Amending clause.

Section 3. That section 87-149 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 521 1955

Terms defined.
"Totally unemployed."

"87-149. **Definitions — Continued.** (a) Total unemployment: (1) An individual shall be deemed 'totally unemployed' in any week during which he performed no services and with respect to which no wages are payable to him.

"Week of unemployment."

(2) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commission may by regulation otherwise prescribe.

"Wages."

(3) As used in this subsection the term 'wages' shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of *fifteen ($15.00)* dollars in any one week, and the term 'services' shall not include that part of odd jobs or subsidiary work, or both, for which the remuneration equal to or less than *fifteen ($15.00)* dollars per week is payable, or for one (1) day's work not exceeding eight (8) hours, whichever is greater.

"Unemployment compensation administration fund."

"(b) 'Unemployment compensation administration fund,' means the unemployment compensation administration fund established by this act, from which administrative expenses under this act shall be paid.

"Wages."

"(c) 'Wages,' means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable in any medium other than cash, shall be estimated and determined in accordance with rules prescribed by the commission. Commencing January 1, 1941, 'wages,' means all remuneration up to and including three thousand ($3,000.00) dollars in a calendar year paid for personal services, including commissions and bonuses and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of all remuneration paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commission.

"Wage records kept by the commission for the purposes of this act prior to January 1, 1941, shall be kept on the basis of wages payable, and wage records kept by the commission for the purposes of this act after January 1, 1941, shall be kept on the basis of wages paid.

HeinOnline -- 1955 522 1955

"Provided, however, that the term 'wages' shall not include — What not included in wages.

(1) The amount of any payment made to, or on behalf of, an employee by an employer on account of:

(A) Retirement, or

(B) Sickness or accident disability, or

(C) Medical and hospitalization expenses in connection with sickness or accident disability, or

(D) Death,

(E) Services performed for a fraternal benefit society, lodge, order, service club or association having a total annual payroll of less than five hundred dollars ($500.00) in any calendar year.

(F) Remuneration paid by any county welfare office from public funds for services performed at the direction and request of such county welfare office. Public welfare funds added.

"(d) 'Week,' means such period of seven (7) consecutive calendar days, as the commission may by regulations prescribe. "Week."

"(e) 'Weekly benefit amount.' An individual's 'weekly benefit amount,' means the amount of benefits he would be entitled to receive for one (1) week of total unemployment." "Weekly benefit amount."

Section 4. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair, or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative. Severability clause.

Section 5. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 6. This act shall be in full force and effect from and after April 1, 1955, and section 1 shall apply to all benefit years beginning after April 1, 1955, and the insured status of all claimants who have a benefit year current on or after April 1, 1955, shall be redetermined and benefits shall be paid in accordance with this provision, provided Effective April 1, 1955, Prospective operation.

HeinOnline -- 1955 523 1955

that no insured worker shall have his benefits reduced or denied by redetermination resulting from the application of this provision.

Approved March 10, 1955.

CHAPTER 239

An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Article XII of the Constitution of the State of Montana, Relating to Revenue and Taxation, by Adding Thereto a New Section to be Known and Designated as Section 1 (b) of Article XII, providing That No Monies Paid Into the State Treasury Which Are Derived From Fees, Excises or License Taxes Relating to Registration, Operation or Use of Vehicles on the Public Highways or to Fuels Used for the Propulsion of Such Vehicles, Except Fees and Charges Paid to the board of Railroad Commissioners of the State of Montana and the Public Service Commission of Montana or Its Successor or Successors by Motor Carriers Pursuant to Law, Shall be Expended for Any Purpose Other Than That Provided for Herein.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of constitution.

Section 1. That the constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana for their approval or rejection, at the general election to be held in November, 1956.

Amending Article XII by adding Section 1(b).

Section 2. That the constitution of the State of Montana, be, and the same is hereby amended by adding thereto a new section to be known and designated as section 1 (b) of article XII reading as follows:

Anti-diversion of school funds.

Section 1 (b) No monies paid into the state treasury which are derived from fees, excises or license taxes relating to registration, operation or use of vehicles on the public highways or to fuels used for the propulsion of such vehicles, except fees and charges paid to the board of railroad commissioners of the State of Montana and the public service commission of Montana or its successor or successors by motor carriers pursuant to law, shall be

HeinOnline -- 1955 524 1955

expended for other than cost of administering laws under which such monies are derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance and repair of public highways, roads, streets, and bridges, and expenses authorized by the state legislature for dissemination of public information relating to the public highways, roads, streets and bridges of the State of Montana and the use thereof.

Procedure for vote.

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1956, which shall have printed thereon "anti-diversion amendment of highway fuel and user taxes," followed by all of sec. 1b. of article XII of the constitution of the State of Montana as proposed by this act. There shall also be printed on said official ballots, below the said section, squares and the words as follows:

☐ For the foregoing amendment to the constitution.

☐ Against the foregoing amendment to the constitution.

Each elector who approves this amendment shall mark an "X" in the first square above printed and each elector who rejects it shall mark an "X" in the second square.

Procedure implementing vote.

Section 4. The votes cast for and against this amendment above proposed, shall be counted, canvassed and determined by such officials, and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation and the amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Approved March 10, 1955.

CHAPTER 240

An Act to Guarantee the Full and Equal Enjoyment of All Places of Public Accommodation and Amusement, and Repealing All Acts and Parts of Acts in Conflict Herewith.

HeinOnline -- 1955 525 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Prohibiting discrimination.

Section 1. No person, partnership, corporation, association or organization owning or managing any place of public accommodation or amusement shall discriminate against any person or group of persons solely on the ground of race, color or creed.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 241

An Act to Amend Section 3 of Chapter 199, Laws of the Thirty-first Legislative Assembly, 1949, as Amended by Chapter 244, Laws of the Thirty-third Legislative Assembly, 1953, Providing for the Equalization of Financial Distribution for All Elementary and Secondary Schools in Order to Maintain a Uniform System of Free Public Schools; Providing Schedules for Determining Support of Foundation Financial Program for Public Elementary and Secondary Schools, and for Other Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 3 of chapter 199, laws of the thirty-first legislative assembly of the State of Montana, as amended by chapter 244, laws of the thirty-third legislative assembly, be, and the same is hereby amended to read as follows:

Foundation program.

"Section 3. **Foundation Program.** The moneys coming into said state public school equalization fund shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt retirement, *and for the payment of any and all cost and expense incurred in connection with any adult education program, kindergarten, recreation program, school lunch and cafeteria program, new buildings, new grounds, and transportation,* in accordance with the following schedules:

Additional purposes.

ELEMENTARY SCHOOLS

Elementary school schedule.

(1) For each elementary school having eight (8) or

HeinOnline -- 1955 526 1955

fewer pupils and which, upon the request of the board of trustees of the district, is approved as an isolated school by the county budget board, the district shall receive *two thousand nine hundred dollars ($2900.00),* and if said school is not approved as an isolated school, then it shall receive *seventeen hundred dollars ($1700.00).*

(2) Schools with an ANB in excess of eight (8) but less than eighteen (18) pupils, shall receive *two thousand nine hundred dollars ($2900.00)* plus *eighty-five dollars ($85.00)* per pupil on the basis of average number belonging over eight (8).

(3) Schools having an ANB of eighteen (18), but less than *forty-one (41),* shall receive a maximum of *thirty-nine hundred dollars ($3900.00),* plus *thirty-five hundred dollars ($3500.00)* provided two (2) teachers are regularly employed as full time teachers in such school. *Thirty-nine hundred dollars ($3900.00) shall be the maximum for any one-teacher school.*

(4) Schools having an ANB in excess of *forty (40)* will be guaranteed funds only on the basis of the total pupils (ANB) in the district for elementary pupils as follows:

For a school having an ANB of more than *forty (40), and employing a minimum of three (3) teachers,* the maximum of *two hundred seventy-two dollars ($272.00)* shall be decreased at the rate of *forty-three cents ($0.43)* for each additional pupil until the total number (ANB) shall have reached a total of one hundred (100) pupils. *Provided, however, that if only two (2) teachers are employed in a school with an ANB over forty (40) the maximum schedule shall be seventy-four hundred dollars ($7400.00) plus seventy-five dollars ($75.00) for each ANB over forty (40).* For a school having an ANB of more than one hundred (100) pupils, the maximum of *two hundred forty-six dollars and fifty cents ($246.50)* shall be decreased at the rate of *twenty-five and one-fourth cents ($0.2525)* for each additional pupil until the ANB shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred (300) pupils, the maximum shall not exceed *one hundred ninety six dollars ($196.00)* for each pupil; provided that the maximum per pupil, for all pupils, ANB, shall figure on the basis of the amount allowed herein on account of the last eligible pupil, ANB,

HeinOnline -- 1955 527 1955

and provided further than all the schools operated within the incorporated limits of a city or town shall be treated as a school unit for the purpose of this schedule.

HIGH SCHOOLS

High school schedule.

For a school having an average number belonging (ANB) of *forty (40)* or fewer pupils in a school, the guaranteed budget shall not exceed *four hundred and fifty dollars ($450.00)* for each pupil. *High schools shall not receive state equalization aid unless they have been* accredited by the state board of education.

For a secondary school having an ANB of more than *forty (40)* pupils, the maximum *four hundred and fifty dollars ($450.00)* shall be decreased at the rate of *two dollars ($2.00)* for each additional pupil until the ANB shall have reached a total of one hundred (100) such pupils. For a school having an ANB of more than one hundred (100) pupils, the maximum of *three hundred and thirty dollars ($330.00)* shall be decreased at the rate of *forty-five cents ($0.45)* for each additional pupil until the number ANB shall have reached two hundred (200) pupils. For a school having an ANB of more than two hundred (200) pupils, a maximum of *two hundred and eighty-five dollars ($285.00)* shall be decreased at the rate of *twenty-seven cents ($0.27)* for each additional pupil until the total number, ANB, shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred (300) pupils, the maximum of *two hundred and fifty-eight dollars ($258.00)* shall be decreased at the rate of *six cents ($0.06)* for each additional pupil until the total number, ANB, shall have reached six hundred fifty (650) pupils. Schools having an ANB in excess of six hundred fifty (650) pupils shall receive *two hundred and thirty-seven dollars ($237.00)* per pupil, provided that the maximum per pupil for all pupils, ANB, shall be computed on the basis of the amount allowed herein on account of the last eligible pupil, ANB.

"In computing the amount guaranteed for the foundation program, only junior high schools which have been approved and accredited by the state board of education shall be considered a part of the secondary enrollment."

Approved March 10, 1955.

HeinOnline -- 1955 528 1955

CHAPTER 242

An Act to Amend Section 75-1522, Revised Codes of Montana, 1947, as Amended by Chapter 109, Laws of 1951, Relating to Abandonment of School Districts, to Provide for the Disposal of School Houses in Abandoned Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-1522 of the Revised Codes of Montana, 1947, as amended by chapter 109, laws of 1951, be, and the same is hereby amended to read as follows:

Abandonment of school districts.

"75-1522. **Abandonment of School Districts.** (1) He shall attach to contiguous districts territory not a part of any district except as hereinafter provided, and he must declare a school district abandoned when a school has not been operated in the district during a period of three (3) consecutive years. The county superintendent in determining the question of abandoning any school district under this act must include any period of time that may have elapsed before the approval of this act; provided, however, that the county superintendent of schools shall notify each school district which has not operated a school for two (2) years, that the nonoperation of a school for another year will bring about abandonment. Failure of the county superintendent to give such notification does not, however, protect the district from abandonment; provided further, that if any such school district has provided transportation either by bus or by the payment to individuals, or has provided payments for board and room in lieu of transportation for an average of at least *three (3)* children of school age during a period of three (3) consecutive years living within the district, to another district for the purpose of attending school therein for a term of at least one hundred eighty (180) days each year, such transportation shall be deemed equivalent to the actual holding of school in such district for a term of one hundred eighty (180) days in each year, and such district shall not be ordered abandoned.

Territory to be attached to contiguous district or districts.

"(2) The abandoned territory shall be attached to a contiguous district or districts. Whenever there are five (5) or more children in abandoned territory eligible for attendance in an elementary school as determined by the county superintendent and residing more than three (3) miles from an established school in the district to which the

HeinOnline -- 1955 529 1955

abandoned territory is attached, the school trustees shall provide a school in such abandoned territory when requested so to do by the parents of at least three (3) of such children. In determining whether such children reside more than three (3) miles from an established school in the district, the measurement must be by the shortest regularly traveled route. Whenever a school district is ordered abandoned and there is any indebtedness outstanding against the district represented either by registered warrants, or bonds, or both, and there is not sufficient money in the funds of the district to pay the same, all money in the funds of the district shall be set aside and applied in payment of such indebtedness, and there shall be levied annually, in the manner provided by law, a tax against all property within the boundaries of such district, as the same existed when such indebtedness was incurred, sufficient to pay such indebtedness as it matures, with all interest becoming due thereon.

Indebtedness of abandoned district.

"(3) All funds of an abandoned district, after all the debts of the district have been paid, shall be placed in the general fund of the district or districts to which its territory is attached on order of the county superintendent. If the territory of an abandoned district is divided and a part attached to two (2) or more districts, the funds of the abandoned district, after all its debts have been paid, shall be apportioned by the county superintendent between the district to which such territory is attached in proportion to the assessed value of the property attached to each thereof. *The school buildings, if any, in the abandoned territory, shall not be disposed of or removed unless approval for disposal or removal is given by a majority vote of the residents of the abandoned district present at a meeting in such school buildings, such meeting to be duly called by the board of trustees of the consolidated district.* The county superintendent shall have power to declare a school district abandoned when there is an insufficient number of residents of said district who could qualify or when the available residents refuse to qualify in sufficient number as trustees and clerk for said district so that no legal board can be formed or a quorum obtained so that meetings of a board of trustees of such district can be held. Whenever a school district is ordered abandoned upon order of the county superintendent of schools in such case, then he shall

Funds of abandoned district.

Vote on removal of buildings.

Power of county superintendent.

HeinOnline -- 1955 530 1955

attach said school district to a contiguous district or districts as herein provided."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect on and after its passage and approval. Effective immediately.

Approved March 10, 1955.

CHAPTER 243

An Act to Amend Section 31-201, Revised Codes of Montana, 1947, by Defining the Terms "Retired Patrolman," "Actuarial Equivalent," and "Beneficiary;" to Amend Section 31-203, Revised Codes of Montana, 1947, Relating to the Montana Highway Patrolmen's Retirement Board; to Amend Section 31-206, Revised Codes of Montana, 1947, Relating to Rules and Regulations — Actuarial Data Providing That the Board May Establish Such Rules and Regulations for Proper Administration, Operation and Enforcement of This Act; to Amend Section 31-208, Revised Codes of Montana, 1947, Relating to Service Allowance; to Amend Section 31-209, Revised Codes of Montana, 1947, Relating to Payments by Contributors; to Amend Section 31-210, Revised Codes of Montana, 1947, Relating to Contributions by the State of Montana; to Amend Section 31-212, Revised Codes of Montana, 1947, Relating to Voluntary Retirement; to Amend Section 31-215, Revised Codes of Montana, 1947, Relating to Involuntary Retirement Allowance; to Amend Section 31-216, Revised Codes of Montana, 1947, Relating to Compulsory Retirement Allowance; to Amend Section 31-217, Revised Codes of Montana, 1947, Relating to Refunds in Case of Resignation or Discharge; to Amend Section 31-218, Revised Codes of Montana, 1947, Relating to Payments Upon Death; to Amend Section 31-219, Revised Codes of Montana, 1947, Relating to Payments in Case of Death From Natural Causes; to Amend Section 31-223, Revised Codes of Montana, 1947, Relating to Service in the Armed Forces of the United States; and to Amend Chapter 2 of the Revised Codes of Montana, 1947, and Any Amendments Thereto, Relating to Highway Patrolmen's Retirement System, by Adding New

HeinOnline -- 1955 531 1955

Sections Thereto Providing for Optional Retirement Allowances and Providing That the Constitutional Provisions of This Act Are Severable; Providing That This Act Shall be in Full Force and Effect From and After Its Passage and Approval; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-201, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Terms defined.

"31-201. **Definitions.** The following words and phrases as used in this act, unless a different meaning is plainly implied by the context, shall have the following meanings:

"Accumulated deductions."

'Accumulated deductions,' the total of the amounts deducted from the salary of a contributor and paid into the fund, and standing to his credit in the fund, together with the regular interest thereon.

"Beneficiary."

'Beneficiary,' *shall be such person or persons having an insurable interest in his life as he shall nominate by written designation, duly acknowledged and filed with the board.*

"Retired patrolman."

'Retired patrolman,' any person in receipt of a retirement allowance under this act.

"Board."

'Board,' the Montana highway patrolmen's retirement board.

"Compulsory retirement age."

'Compulsory retirement age,' sixty years of age.

"Contributor."

'Contributor,' any person who has accumulated deductions in the fund, standing to his credit.

"Final salary."

'Final salary,' the average annual compensation received by a contributor before any deductions have been made, and exclusive of maintenance, allowances and expenses, for *any three (3)* years of *continuous* service *upon which contributions have been made,* or, in the event a member has not served *three (3)* years, the total retirement compensation earned, divided by the number of years served.

"Actuarial equivalent."

'Actuarial equivalent,' the accumulated contributions and the present value of the member's state service based on length of service and member's attained age used to

HeinOnline -- 1955 532 1955

provide a life or temporary life income to the legally designated person, based on such person's attained age and sex at the time the option becomes available.

'Fund,' the Montana highway patrolmen's retirement fund. "Fund."

'Involuntary retirement,' a retirement not for cause and before retirement age. "Involuntary retirement."

'Member's annuity,' payments for life derived from contributions made by the contributor. "Member's annuity."

'Optional retirement age,' the age at which a contributor may retire after twenty (20) years' service or more. "Optional retirement age."

'Retirement age,' the age at which a member retires after twenty-five (25) years of creditable service with the Montana highway patrol. "Retirement age."

'Retirement allowance,' the state annuity plus the member's annuity. "Retirement allowance."

'State annuity,' payments for life derived from contributions made by the State of Montana.'' "State annuity."

Section 2. That section 31-203, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

''31-203. **Montana Highway Patrolmen's Retirement Board.** There is hereby established the Montana highway patrolmen's retirement board, which shall consist of five (5) members, who shall be the chairman of the Montana highway patrol board, the supervisor of the Montana highway patrol, and *three (3)* members of the Montana highway patrolmen's association. *Immediately after the passage and approval of this act, the Montana highway patrolmen's association shall elect one (1) member whose term of office shall expire July 1, 1956, another member whose term of office shall expire on July 1, 1957, and another member whose term of office shall expire on July 1, 1958, and their successors shall be elected for a term of three (3) years, except that any person appointed to fill a vacancy shall be eligible for election. The* secretary *and attorney* of the Montana highway patrol board shall *be members ex officio.''* Montana highway patrolmen's retirement board created. Three members from asscciation. Attorney ex-officio.

Section 3. That section 31-206, Revised Codes of Mon- Amending clause.

HeinOnline -- 1955 533 1955

tana, 1947, be, and the same is hereby amended to read as follows:

Rules and regulations may be established.

"31-206. **Rules and Regulations — Actuarial Data.** The board *may* establish such rules and regulations *as it deems* necessary, *and is charged within the limitations of this act for its proper administration, operation, and enforcement, and shall be the authority under this act as to the conditions under which persons may be admitted to and continue to receive benefits under the retirement system.* It shall keep such data as shall be necessary for actuarial valuation purposes. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund, and shall adopt for the retirement system one or more mortality tables."

Actuarial investigation required.

Amending clause.

Section 4. That section 31-208, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Service allowance, computation, record.

"31-208. **Service Allowance.** In computing the length of service of a contributor for retirement purposes, full credit shall be given to each contributor for each year of service rendered to the patrol including service rendered prior to July 1, 1945, upon complying with the provisions of this act. As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to July 1, 1945. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the contributor. The time during which a contributor is absent from service without pay shall not be counted in computing the service of a contributor *except service with the armed forces of the United States in time of war.*"

Absence in armed services allowed.

Amending clause.

Section 5. That section 31-209, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Contributor payments, 5% of salary.

"31-209. **Payments by Contributors.** Every member shall be required to contribute into the fund a sum equal to *five percent (5%)* of his monthly salary, which sum shall be deducted from his salary and credited to his account in the fund, provided that when a member has served

HeinOnline -- 1955 534 1955

twenty-five (25) years in the Montana highway patrol all payments by him and contributions to his credit from the fund shall cease."

Term.

Section 6. That section 31-210, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"31-210. **Contributions by the State of Montana.** The State of Montana shall annually contribute to the fund *fifteen percent (15%)* of all moneys received by the State of Montana from the collection of the motor vehicle driver's license fee provided for *under the laws of the State of Montana.*"

State's contribution.

Section 7. That section 31-212, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"31-212. **Voluntary Retirement.** If a contributor has served twenty (20) years of creditable service with the Montana highway patrol, he is hereby granted the option and privilege of retiring and in such case, his retirement allowance shall be proportionately reduced."

Optional retirement after 20 years.

Section 8. That section 31-215, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"31-215. **Involuntary Retirement Allowance.** Should a contributor be discontinued from service, not voluntarily, after having completed ten (10) years of total service, but before reaching retirement age, he shall, upon filing of application in the manner herein provided for retirement, be paid as he may elect as follows: (a) the full amount of accumulated deductions standing to his credit; or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit, plus *the actuarial equivalent of* a state annuity having a value equal to the present value of a state annuity then standing to his credit."

Involuntary retirement allowance.

Section 9. That section 31-216, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"31-216. **Compulsory Retirement Allowance.** Any member, regardless of his years of service, who has attained

Compulsory retirement allowance.

HeinOnline -- 1955 535 1955

the age of sixty (60) years, shall forthwith be retired. If he shall have served twenty-five (25) years or more, he shall receive the full retirement allowance as provided herein. If he shall have served less than twenty-five (25) years, he shall be entitled to the same options as provided in section 31-215, *as amended.*''

Amending clause.

Section 10. That section 31-217, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Refunds on resignation, discharge.

''31-217. **Refunds in Case of Resignation or Discharge.** Where a contributor resigns of his own volition, or is discharged for cause before becoming entitled to a retirement allowance, then the deductions standing to his credit shall be paid to him.''

Amending clause.

Section 11. That section 31-218, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Death payments, in course of employment.

''31-218. **Payments Upon Death.** If the board shall find that a contributor died as a direct and proximate result of injury received in the course of his employment, a retirement allowance shall be paid to his *beneficiary.*''

How computed.

''Such retirement allowance shall consist of: (a) a member's annuity which shall be the actuarial equivalent of the contributor's accumulated deductions standing to his credit; and (b) *the actuarial equivalent of* a state annuity *which when added to the member's annuity will provide a total annuity* equal to fifty percent (50%) of the final salary of the contributor, less the amount which is paid to any such *beneficiary* under the workmen's compensation act of the State of Montana, during the period such compensation is paid or payable.''

Amending clause.

Section 12. That section 31-219, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Death benefits—natural causes.

''31-219. **Payments in Case of Death From Natural Causes.** (a) If the *retired patrolman* dies before receiving in payments the present value of his member's annuity and the state annuity as it was at the time of his retirement, the balance shall be paid to his *beneficiary.* (b) If a member

How computed.

dies before reaching retirement age, his *beneficiary* shall

HeinOnline -- 1955 536 1955

be entitled to *the actuarial equivalent* of the options as provided in section 31-215, *as amended.*''

Amending clause.

Section 13. That section 31-223, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Service in armed forces. Optional credits.

''31-223. **Service in the Armed Forces of the United States.** Any member of the Montana highway patrol now in or hereafter inducted into the armed forces of the United States, shall have the option: (a) to continue his payments into the fund; or (b) allow the board to make his payments for him during such military service, in which event he shall repay the fund the full amount of such payments upon his return to the Montana highway patrol, and such repayments must be made within two (2) years after his return to the patrol provided that a member's service in the armed forces of the United States shall be credited to and made a part of the member's service allowance.''

Amending clause.

Section 14. That chapter 2 (highway patrolmen's retirement system) of the Revised Codes of Montana, 1947, and any amendments thereto, be, and the same is hereby amended by adding new sections to read as follows:

Optional retirement allowance.

Conditions of election.

31-228. Optional Retirement Allowance. Until the first payment on account of any retirement allowance is made and subject to the conditions that, if he die after retirement and within thirty (30) days from the date upon which his election or changed election is received at the office of the retirement board, then said election is void and of no effect, and the death shall be considered as that of a member before retirement. A member or a beneficiary may elect, or revoke or change a previous election prior to the approval of the previous election to receive the actuarial equivalent of his retirement allowance as of the date of retirement, in a lesser retirement allowance, payable throughout life with one of the following options:

Option 1. Upon his death, his lesser retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the board at the time of his retirement.

Option 2. Upon his death, one half of his lesser retirement allowance shall be continued throughout the life of

HeinOnline -- 1955 537 1955

and paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the board at the time of his retirement.

Option 3. Such other benefit or benefits shall be paid, either to the beneficiary or to such other person or persons as he nominates, as, together with such lesser retirement allowance, are the actuarial equivalent of his retirement allowance, and shall be approved by the board.

Severability clause.

31-229. The provisions of this act are severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Dormant accounts—transfer to pension accumulation fund.

31-230. The board may in its discretion transfer the savings account of a member to the pension accumulation fund if the account has been dormant for a period of ten (10) years provided that no right of the member shall be jeopardized by such transfer and the savings account shall be transferred to the member's name upon subsequent reentry to membership.

Repealing clause.

Section 15. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 16. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 244

An Act to Amend Section 53-108, Revised Codes of Monatna, 1947, Relating to Renewal of Registration of Motor Vehicles; Providing for the Use of a Temporary Windshield Sticker on Vehicles Pending Transfer; Providing for the Issuance of Such Identification Marker by the Registrar of Motor Vehicles Through County Treasurers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-108, Revised Codes of Montana, 1947, be, and the same is hereby amended to read:

HeinOnline -- 1955 538 1955

"Section 53-108. (1758.1) **Renewal of Registration.** Every vehicle registration under this act shall expire on December thirty-first of each year and shall be renewed annually upon application and payment of license fees, as provided in sections 53-114 and 53-122, such renewal to take effect on the first day of January of each year. The certificate of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until cancelled by the *registrar of motor vehicles* upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal, whenever the legal owner of the vehicle is other than the registered owner, the *registrar of motor vehicles* shall immediately notify such legal owner by mail of the registration number assigned to such vehicle for the ensuing year.

Renewal of registration.

Notice to legal owner.

"The owner of a vehicle registered under the provisions of this act shall be entitled to operate such vehicle between January *fifteenth* and February first without displaying the registration certificate of the current year, on condition that such owner shall, during said period, display upon such vehicle the number plates or plate assigned thereto for the previous year."

Grace period for renewal registration.

Any purchaser of a motor vehicle from a duly licensed motor vehicle dealer which has not been registered or re-registered for the current year may during the time the certificate of ownership thereto is in the process of being transferred in the office of the registrar of motor vehicles, upon making an affidavit to that effect upon a form prescribed by the registrar of motor vehicles and upon the payment of a fee of one dollar ($1.00) to be collected by the county treasurer and remitted to the board, obtain from the county treasurer of the county in which said vehicle is subject to tax a temporary windshield sticker of such size, color and design as the board may prescribe, to be validated by the county treasurer for a period of thirty (30) days from the date of issuance, and such purchaser, upon displaying such sticker on the lower right-hand corner of the windshield of such motor vehicle and upon displaying the number plates or plate assigned thereto for the previous year (unless the seller has been unable to deliver such previous year's plate or plates) shall be entitled to operate such vehicle during the period for which such windshield

Vehicle transfers—stickers pending receipt of plates.

Procedure and fee.

HeinOnline -- 1955 539 1955

sticker has been validated without displaying the registration certificate or number plates or plate for the current year.

Approved March 10, 1955.

CHAPTER 245

An Act to Amend Section 53-106, Revised Codes of Montana, 1947, as Amended by Chapter 111, Laws of Montana, 1951, as Amended by Chapter 29, Laws of Montana, 1953, and Section 53-118, Revised Codes of Montana, 1947, Relating to Number Plates for Motor Vehicles, Dealers' Licenses and Applications Therefor; Providing for a Number Plate for Motor Cars Six Inches Wide and Twelve Inches in Length; Providing for Distinctive Number Plates for New Car Dealers, for Used Car Dealers, for Trailer and Semi-trailer Dealers; Providing for the Separate Licensing of New Car Dealers, Used Car Dealers and Trailer and Semi-trailer Dealers; Providing for the Uses of Dealers' Licenses; Providing That If Part of This Act be Held Unconstitutional It Shall Not Affect Remaining Parts of Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-106, Revised Codes of Montana, 1947, as amended by chapter 111, laws of Montana, 1951, as amended by chapter 29, laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Number plates.

"53-106 (1757) **Number Plates.** (1) Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the *registrar of motor vehicles.* Such number plate shall be in *eight* series: one series for owners of motor cars, one for owners of motor vehicles of the motorcycle type, *one for trailers, one for trucks, one for dealers in vehicles of the motorcycle type, one for dealers in new motor cars (including trucks and trailers) or new and used motor cars (including trucks and trailers) which shall bear the distinctive letter "D", one for dealers in used motor cars only (including used trucks and trailers) which shall bear*

Additional series provided.

HeinOnline -- 1955 540 1955

the distinctive letters "UD", and one for dealers in trailers and/or semi-trailers (new or used) which shall bear the distinctive letters "DTR". All number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the state.

Description of number plates.

(2) In the case of motor cars, number plates shall be of metal *six inches wide and twelve inches in length,* and the word "Montana" with the year shall be placed across the bottom of the plate. The background of the plate shall be of a distinctive color each year, which color shall be designated by the *registrar of motor vehicles,* provided *he* shall, in *his* discretion, choose to select permanent number or identification plates with a yearly insert plate or tab bearing the last two numbers of the year for which such license is issued and such insert plate or tab shall be serially numbered in the same manner as the numbered plates, *and* such permanent number or identification plates shall be made in such form and of such materials and of such color contrasts as *the registrar* shall determine; provided further, that the *registrar* may, in *his* discretion, designate number or identification plates for any year as the proper means of identifying the vehicle for a subsequent year or years, said plates to be validated by a windshield sticker of such size, color and design and displayed as *he* shall direct; such sticker shall bear a distinctive number and the registration period for which it is issued, after which period it shall be unlawful to further display same on the vehicle. The distinctive registration numbers shall begin with number one (1) and be numbered consecutively for each series of plates. The distinctive registration number assigned to the vehicle and the numeral or symbol for the county in which the number plate is issued shall appear on the plate. The dimensions of such numerals and the manner of placing the same on said number plates shall be determined by the *registrar of motor vehicles.* For the use of dealers the number plates shall be essentially as those for motor cars and motorcycles, except that to the left of the serial number the plate shall contain the letters 'D', *'UD', or 'DTR',* such letters to be the same height and size as the figures composing the serial number.

Tabs.

Window stickers.

Numbering.

Dealer plates.

Tax-exempt vehicles.

(3) For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates shall have thereon the following distinctive markings:

HeinOnline -- 1955 541 1955

State owned.

For vehicles owned by the state the *registrar of motor vehicles* may designate the prefix number for the various state departments, and all numbered plates issued to state departments shall bear the words "state owned" and no year number will be indicated thereon as these numbered plates will be of a permanent nature, and will be renewed by the *registrar of motor vehicles* at such time when the physical condition of numbered plates requires same. For vehicles owned by the counties, municipalities and school districts and used and operated by officials and employees thereof in line of duty as such, there shall be placed on the number plates assigned thereto, in such position thereon as the registrar may designate, the letter 'X'. Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each of said counties shall begin with number one (1) and be numbered consecutively.

Counties, municipalities, school districts.

Trucks and trailers.

(4) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and trailers, there shall appear the letter 'T' for plates assigned to trucks and the letters 'TR' for plates assigned to trailers.

Number plates assigned to any motor vehicle shall be used only on the specific motor vehicle to which originally assigned.

County numbers.

(5) For the purpose of this act, the several counties of the state shall be assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56; any new counties shall be assigned numbers by the

HeinOnline -- 1955 542 1955

registrar of motor vehicles as they may be formed, beginning with the number 57.''

Amending clause.

Section 2. That section 53-118, Revised Codes of Montana, 1947, be and the same is hereby amended to read:

Application for dealer's license.

''53-118 (1759.4) **Application for Dealer's License.** Every dealer in *new motor vehicles, used motor vehicles, trailers, semi-trailers, or automobile accessories* shall cause to be filed, by mail or otherwise, in the office of the *registrar of motor vehicles,* a verified application for registration as a dealer on a blank to be furnished by the *registrar* for that purpose, and containing the information therein required. Each application must be accompanied by the registration fee hereinafter named. Dealers registration must be renewed and paid for annually, and an application for re-registration must be filed not later than January first of each year. Upon the registration of a dealer *as a new motor vehicle dealer, used motor vehicle dealer, or trailer or semi-trailer dealer,* the *registrar of motor vehicles* shall assign to such dealer a distinctive serial registration number as a dealer and furnish every dealer in motor vehicles with not less than two (2) sets of number plates, and as many more as the fee the dealer pays entitles the dealer to, which number plates shall be similar to number plates furnished to owners of motor vehicles but shall bear thereon, in addition to the serial number assigned such dealer, *the letter 'D' if the dealer sells new motor vehicles (including trucks and trailers) or new and used motor vehicles (including trucks and trailers); the letters 'UD' if the dealer sells used motor vehicles (including trucks and trailers) only; and the letters 'DTR' if the dealer sells trailers and/or semi-trailers (new or used) only. Only new motor vehicle dealers' license plates bearing the letter 'D' shall be assigned if both new and used motor vehicles (including trucks and trailers) are sold, and only one registration fee shall be required of any one dealer. Dealers of all classes are hereby prohibited from using or displaying dealer's license plates on any motor vehicle except those held for sale or used principally in the conduct of the dealer's business in selling, demonstrating or servicing. No dealer's license plates shall be used or displayed on vehicles normally used exclusively for hire or for purposes not incident to the business of a motor vehicle dealer.* If it shall appear to the satisfaction of the *registrar of motor vehicles* that

Additional dealers added.

Dealer's lettering.

HeinOnline -- 1955 543 1955

any such dealer has used the dealer's license in a manner other than the one *permitted above the registrar of motor vehicles* may revoke such dealer's license. Any dealer violating the provisions of this section shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five ($25.00) dollars and not more than one hundred ($100.00) dollars.

Penalty.

Severability clause.

Section 3. If any section, subdivision or sentence of this act is determined by a court of competent jurisdiction to be unconstitutional, it shall not affect the remaining portions of this act.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 246

An Act Requiring Employers Making Payment of Wages to Deduct and Withhold a Tax Upon Such Wages: Fixing the Rates of Such Withholding and Providing the Method of Determining the Exemption Status of Employees for the purpose of Computing the Amounts to be Withheld: Providing That the Amounts Required to be Withheld Shall be Considered a Tax and the Employer Shall be Considered a Taxpayer; Providing for the Filing of Quarterly and Annual Returns and for Quarterly Payment of the Amounts Withheld by Employers, and for Furnishing Written Statements to Employees With Respect to Wages Paid and Amounts Withheld Therefrom; Providing That Amounts Withheld Hereunder Shall be Held in Trust for the State of Montana, and Providing for Enforcement of Payment of Such Amounts; Providing for the Filing of Income Tax Returns by Employees in Lieu of the Returns Provided for in Section 84-4914, Revised Codes of Montana, 1947, and for Collection of Deficiencies and Refunding Excess Payments Shown by Such Returns; Providing for Crediting the Tax Deducted and Withheld as a Payment Upon the Income Tax of Employees and for Refunding Excess Withholding; Establishing an Income Tax Withholding Fund, and Providing for Payment of Refunds Therefrom and for Crediting Unexpended Balances Thereof

HeinOnline -- 1955 544 1955

to the State General Fund and the State Public School Equalization Fund: Limiting the Time for Refunding Excess Withholding and the Time for Payment of Warrants Drawn on the Income Tax Withholding Fund; Providing for Filing Claims for Unpaid Warrants and Limiting the Time for Filing Such Claims; Prescribing the Duties and Powers of the State Board of Equalization; Providing Penalties for Violations Hereof; and Providing That All Remedies of the State of Montana With Respect to Income Taxes Shall be Applicable to the Tax Herein Provided for; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions** — When used in this act: Terms defined.

(a) The word "board" means the state board of equalization. "Board."

(b) The term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid— "Wages."

Wages, what not included.

(1) for active service as a member of the armed forces of the United States;

(2) for agricultural labor as defined in paragraph (c) following;

(3) for domestic service in a private home, a local college club, or local chapter of a college fraternity or sorority;

(4) for casual labor not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is fifty dollars ($50.00) or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if;

(A) on each of some twenty-four (24) days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business.

HeinOnline -- 1955 545 1955

(B) such individual was regularly employed (as determined under subparagraph (a) by such employer in the performance of such service during the preceding calendar quarter.

(5) for services by a citizen or resident of the United States for a foreign government or an international organization.

(6) for services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order.

(7) (A) for services performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution or

(B) for services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;

(8) for services not in the course of the employer's trade or business, to the extent paid in any medium other than cash; when such payments are in the form of lodgings or meals and such services are received by the employee at the request of and for the convenience of the employer;

(9) to or for an employee as a payment for or a contribution toward the cost of any group plan or program which benefits the employee, including, but not limited to, life insurance, hospitalization insurance for the employee or dependents, and employees' club activities.

"Agricultural labor."

(c) The term "agricultural labor" includes all services performed on a farm or ranch in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and manage-

HeinOnline -- 1955 546 1955

ment of livestock, bees, poultry, and fur-bearing animals and wildlife.

"Payroll period."

(d) Payroll period — For purposes of this chapter, the term ''payroll period'' means a period for which a payment of wages is ordinarily made to the employee by his employer.

"Employee."

(e) Employee — For purposes of this chapter, the term ''employee'' includes an officer, employee or elected public official of the United States, the State of Montana, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing. The term ''employee'' also includes an officer of a corporation.

"Employer."

(f) Employer — The term ''employer'' means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term ''employer'' means the person having control of the payment of such wages.

Employer to withhold tax on wages.

Section 2. (a) Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to one per centum (1%) of the amount by which the wages exceed the amount of the withholding exemption determined in accordance with the table set forth in section 3 hereof.

Deduction based on table at employer's election.

(b) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with withholding tax tables which shall be prepared and issued by the board, which tax shall be in lieu of the tax required to be deducted and withheld under the provisions of subdivision (a) of this section.

Withholding exemptions, presumption.

Section 3. Each employee shall for the purposes of this act be deemed to have the same number of withholding exemptions as those claimed in the withholding exemption certificate furnished to his employer under the provisions of the current internal revenue code of the United States in effect on January 1, 1955, and such withholding exemption certificate shall fix and determine the status of the employee for the purpose of computing the amount of wages exempt from withholding under the provisions of this act.

HeinOnline -- 1955 547 1955

In computing the amount to be withheld from the wages of each respective employee there shall be deducted from the gross amount of the wages payable to such employee a withholding exemption determined in accordance with the following table:

AMOUNT OF WITHHOLDING EXEMPTIONS

Exemption table.

1 Number of exemptions	2 Daily payroll period	3 Weekly payroll period	4 Biweekly payroll period	5 Semi-monthly payroll period	6 Monthly payroll period
1	$ 4.50	$23.00	$ 46.00	$ 50.00	$100.00
2	$ 9.00	$46.00	$ 92.00	$100.00	$200.00
3	$ 9.90	$50.00	$100.00	$110.00	$220.00
4	$10.80	$54.00	$108.00	$120.00	$240.00
5	$11.70	$58.00	$116.00	$130.00	$260.00
6	$12.60	$62.00	$124.00	$140.00	$280.00
7	$13.50	$66.00	$132.00	$150.00	$300.00
8	$14.40	$70.00	$140.00	$160.00	$320.00
9	$15.30	$74.00	$148.00	$170.00	$340.00
10	$16.20	$78.00	$156.00	$180.00	$360.00
For each additional exemption add	$ .90	$ 5.50	$ 11.00	$ 12.50	$ 25.00

How computed.

In computing the amounts to be withheld from wages paid on the basis of a quarterly, semiannual or annual payroll period, the respective amounts set forth in column 6 above shall be multiplied by the number of months in such quarterly, semiannual, or annual payroll period. In computing the amounts to be withheld from wages paid on the basis of any payroll period not hereinbefore mentioned, the respective amounts set forth in column 2 above shall be multiplied by the number of days in such payroll period.

Employer's election to deduct, quarterly adjustments.

At the election of the employer he may, pursuant to regulations which shall be adopted by the board, estimate the wages which will be paid to any employee in any quarter of the calendar year and determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the average of the wages so estimated constituted the actual wages paid, and such employer shall deduct and withhold upon any payment of wages to such employee during such quarter such amount

HeinOnline -- 1955 548 1955

as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount required to be deducted and withheld during such quarter without regard to this paragraph.

Employer liable for amounts to be deducted.

Section 4. Every employer shall be liable for the amounts hereinbefore required to be deducted and withheld, and such amounts shall be considered as a tax and with respect thereto the employer shall be considered a taxpayer. If the employer fails to deduct and withhold the amounts specified in this act, and thereafter the tax against which such deducted and withheld amounts would have been credited, is paid, the amounts so required hereby to be deducted and withheld shall not be collected from the employer.

Quarterly returns by employer.

Section 5. On or before the last day of the months of April, July, October, and January of each calendar year, beginning with the month of October, 1955, every employer subject to the provisions of this act shall file a return in such form and containing such information as shall be determined by the board, and shall pay therewith the amount required by this act to be deducted and withheld by said employer from wages paid during the preceding quarterly period of three (3) months, beginning with wages paid from and after July 1, 1955.

Proviso— report not required, when.

Provided, however, that when the aggregate total amount of the tax withheld under the provisions of this act upon the wages of all employees of any employer shall amount to less than ten dollars ($10.00) in each quarterly period of any year, such employer shall not be required to file the quarterly returns or to make the quarterly payments last hereinabove provided for, but in lieu thereof such employer shall, on or before February fifteenth of the year next succeeding that in which such wages were paid, file an annual return in such form as shall be determined by the board, and shall pay therewith the amount required by this act to be deducted and withheld by said employer from all wages paid during the preceding calendar year.

Employer not liable for amounts deducted for tax purposes.

Section 6. All amounts deducted and withheld shall be considered as a tax collected under the provisions of this act, and no employee shall have any right of action against his employer in respect to any moneys so deducted and withheld from his wages and paid to the State of Montana in compliance or intended compliance with this act.

HeinOnline -- 1955 549 1955

Tax withheld—statement to employee.

Section 7. Every employer shall, prior to the fifteenth day of February in each year furnish to each employee a written statement showing the total wages paid by the employer to the employee during the preceding calendar year and showing the amount of the federal income tax deducted and withheld from such wages and the amount of the tax deducted and withheld therefrom under the provisions of this act. Said statement shall contain such additional information and shall be in such form as the board shall prescribe, and a duplicate thereof shall be filed by the employee with his state income tax return.

Form.

Employee tax return, procedure.

Section 8. Whenever the gross income of any employee consists solely of wages, and such employee does not have or claim any of the deductions (other than withheld federal income tax) which are allowed in computing net income under the provisions of sections 84-4906 through 84-4908, Revised Codes of Montana, 1947, as amended, such employee may, at his election, in lieu of the income tax return provided for in section 84-4914, Revised Codes of Montana, 1947, as amended, make and sign a return in such form as the board shall prescribe, showing the number of his withholding exemptions, his gross income from wages, the amount of the federal income tax withheld thereon, and the amount withheld under the provisions of this act, which return shall be accompanied by the duplicate withholding statements provided for in section 7 hereof. The employee shall compute the amount of the income tax payable by him, and shall at the time of filing his return pay to the board any balance of income tax remaining unpaid after crediting the amount withheld hereunder as a payment on such income tax.

Excess and refund provisions.

If the amount of the tax so computed is greater by more than two dollars ($2.00) than the amount withheld under the provisions of this act, the excess shall be paid by the employee to the board within fifteen (15) days after the mailing of notice of the amount of the unpaid tax. If the amount withheld exceeds by more than two dollars ($2.00) the amount of the income tax as computed by the board, the employee shall be entitled to a refund of such excess.

Employer reports, annual.

Section 9. Every employer shall, on or before the fifteenth day of February in each year file with the board a statement in such form and summarizing such information

HeinOnline -- 1955 550 1955

as the board shall require, including the total wages paid to each employee during the preceding calendar year or any part thereof, and showing the total amount of the federal income tax deducted and withheld from such wages and the total amount of the tax deducted and withheld therefrom under the provisions of this act. Said annual statement filed by an employer shall, with respect to the wage payments reported therein, constitute full compliance with the requirements of section 84-4913, Revised Codes of Montana, 1947, relating to the duties of information agents, and no additional information return shall be required with respect to such wage payments.

Employer deductions—trust funds.

Section 10. Every employer who deducts and withholds any amounts under the provisions of this act shall hold the same in trust for the State of Montana, and if any tax imposed by this act or any portion of such tax is not paid within sixty (60) days after the same becomes due, the board shall issue a warrant under its official seal which shall have the same force and effect and shall be enforced and carried into execution in the same manner as that specified in section 84-4928, Revised Codes of Montana, 1947, with respect to warrants relating to unpaid income taxes.

Procedure where non-payment.

Total wage is gross income.

Section 11. The entire amount of income from wages, without exclusion of amounts deducted and withheld hereunder, shall be included in the gross income shown in the state income tax return required to be made and filed by each employee, but the tax deducted and withheld under the provisions of this act shall be credited as a payment upon the total income tax shown to be payable by such state income tax return; and, if the tax so deducted and withheld exceeds the total income tax shown to be payable by such income tax return of the employee, the amount of such excess withholding shall, in accordance with regulations to be adopted by the board, be refunded to the employee. Provided, however, that no refund shall be made to any employee who fails to file a state income tax return within sixty (60) days after the expiration of the time allowed by law for the filing of such return, and provided, further, that in the event the excess tax deducted and withheld is one dollar ($1.00) or less, no refund shall be made. Any such excess withholding shall not be allowed as a credit against any tax accruing in any year subsequent to

Deduction credited on tax payable.

Refunds, requirements.

No credit on future tax.

HeinOnline -- 1955 551 1955

the year during which the wages were received, and may only be credited against any tax accruing upon income received during the year in which such excess was deducted and withheld, or against any income tax owing to the state for any prior year.

"Income tax withholding fund" created.

Section 12. All moneys paid by employers hereunder shall be deposited with the state treasurer, and by him credited to a fund, hereby established, denominated the income tax withholding fund, and the refunds hereinbefore provided for shall be paid from such fund. All unexpended balances in excess of one hundred thousand dollars ($100,000.00) on hand in said fund at the end of each calendar month shall be deposited to the credit of the state general fund and the state public school equalization fund in the proportions specified in section 84-1901, Revised Codes of Montana, 1947, with respect to moneys received from the collection of income taxes, and such unexpended balance shall include all moneys which for any reason cannot be refunded. All warrants drawn upon the income tax withholding fund which are not presented for payment within one (1) year from the date of issuance shall be void and the moneys represented thereby shall be included in the unexpended balance in said fund. Any employee entitled to a refund of excess withholding which remains unpaid by reason of the nondelivery to him of the warrant issued in payment thereof, may, at any time within three (3) years after the date of issuance of such warrant, file a claim for the amount of such warrant, which claim shall be paid without interest from the income tax withholding fund. Claims not filed within said prescribed three-year period shall not be allowed or paid.

One-year limitation on warrants.

Three-year limitation on certain claims.

Penalties.

Section 13. If any employer shall fail to pay over to the state the tax deducted and withheld under the provisions of this act, or shall fail to file or furnish any statement herein provided for, within the time herein prescribed therefor, the same additions to the amount of such tax shall be imposed and added as those specified in section 84-4924, Revised Codes of Montana, 1947, with respect to failure to make a return of income or to pay any income tax; and any individual, corporation, or partnership, or any officer or employee thereof, who, with intent to evade any tax or any requirement of this act, or who, with like intent, files or supplies any false or fraudulent statement or in-

HeinOnline -- 1955 552 1955

formation, shall be liable to the same penalties as those imposed by section 84-4924, Revised Codes of Montana, 1947, with respect to filing or supplying any false or fraudulent statement or information with respect to income taxes.

Board may adopt rules.

Section 14. The board is hereby empowered to adopt rules and regulations for the carrying out of the provisions of this act and the enforcement thereof. All of the remedies available to the State of Montana for the administration, enforcement and collection of income taxes shall be available and shall apply to the tax required to be deducted and withheld under the provisions of this act.

Existing remedies applicable.

Severability clause.

Section 15. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Repealing clause.

Section 16. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 247

An Act to Amend Section 93-303 of the Revised Codes of the State of Montana of 1947, as Amended by Chapter 84 of the Laws of 1951, Relating to the Salaries of District Judges and Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 93-303 of the Revised Codes of the State of Montana of 1947, as amended by chapter 84 of the laws of 1951, be, and the same is hereby amended to read as follows:

District judge—salary increased.

"Section 93-303. **Salaries of District Judges.** The annual salary of each district judge shall be *nine thousand dollars ($9,000.00).*"

HeinOnline -- 1955 553 1955

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1955.

CHAPTER 248

An Act to Authorize the State Board of Education, on Behalf of Montana State College, to Use Not to Exceed Ten Per Centum (10%) of the Amount Received Under the Provisions of the First Morrill Act Passed by the United States Congress July 2, 1862, From the Sale or Other Permanent Disposition of Lands Granted to the State for Endowment of Montana State College for the Purchase of Needed Lands for Sites or Experimental Farms as Provided in Section Five (5) of the Act of July 2, 1862, as Amended.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of education may use trust funds for state college farm sites.

Section 1. That the state board of education, acting for and on behalf of Montana state college of Bozeman, Montana, make available for the purchase of sites or experimental farms from any funds deposited in the Montana trust and legacy fund credited to the Montana state college through provisions of the Morrill land act of 1862 and known as the agricultural college Morrill permanent fund, a sum not to exceed ten per centum (10%) of the amount of such fund in accordance with the provisions of the Morrill act of July 2, 1862.

10% limitation.

Monies not to be used on buildings.

Section 2. No portion of the monies apportioned from the endowment funds for the purchase of sites or experimental farms shall be applied directly or indirectly to the purchase, erection, preservation or repair of any building or buildings.

Condition on purchase of sites.

Section 3. Any sites or experimental farms purchased in accordance with the provisions of this act must first be approved by the state board of education with the approval of the Montana state college advisory council, and be essential for the effective operation of the instructional

HeinOnline -- 1955 554 1955

and research programs of the Montana state college and the agricultural experiment station.

10% limit on total amount for purchases.

Section 4. The total amount which may be used for purchase of needed lands for sites or experimental farms under the provisions of this act may not exceed ten per centum (10%) in the aggregate of the total amount which has now or which may accrue to the credit of the agricultural college Morrill permanent account in the Montana trust and legacy fund.

Approved March 10, 1955.

CHAPTER 249

An Act to Provide for the Assessment and Taxation of Flight Property of Scheduled Airline Companies; Prescribing the Powers and Duties of the State Board of Equalization in Connection Therewith; Defining Certain Terms; and Imposing Penalties for Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Terms defined.

Section 1. **Definitions.** The following words and phrases, when used in this act, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(a) "Person" means any individual, corporation, firm, copartnership, company, or association, and includes any guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity therefor.

(b) "Scheduled airline company" means any person or company who undertakes directly or indirectly to engage in the business of scheduled air commerce.

(c) "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

(d) "Flight property" means aircraft fully equipped ready for flight used in air commerce within the State of Montana.

HeinOnline -- 1955 555 1955

(e) "Air commerce" means the transportation by aircraft of persons or property for hire in interstate, intrastate or international transportation on regularly scheduled flights.

(f) "Equated plane hours" means hours spent by aircraft in flight or on the ground weighted according to the cargo capacity of each aircraft.

(g) "Operating" or "operated" means landings or take-offs during interstate flight.

Flight property assessed annually

Section 2. **Assessment of Flight Property.** The flight property of all scheduled airline companies operating in Montana under a certificate of convenience and necessity issued by the United States civil aeronautics board shall be assessed annually by the state board of equalization.

Annual report by airlines.

Section 3. **Report by Airline Company.** Every airline company engaged in air commerce in this state shall annually, on or before the first day of May, file with the board in such form as the board may require, a report under oath, showing the following:

Contents of report.

(1) The name of the person or persons, association, joint-stock company or corporation;

(2) Under the laws of what state organized or existing;

(3) The location of its principal office;

(4) The location of its principal office in this state, if any;

(5) The number of aircraft of each type or kind, the total original cost, the average cost per plane, the total depreciated cost, and the average depreciated cost per plane at the end of the preceding calendar year;

(6) The number of shares of capital stock authorized, number of shares outstanding, the total par value and the total market value at the end of the preceding calendar year; the par value of outstanding bonds and long term debt, and the market value at the end of the preceding calendar year;

(7) Income account showing operating revenues and expenses of the entire system and net operating income during the preceding calendar year;

HeinOnline -- 1955 556 1955

(8) The total tonnage of passengers, express and freight first received by the airline company in this state during the preceding calendar year plus the total tonnage of passengers, express and freight finally discharged by it within this state during the preceding calendar year, and the total of such tonnage first received by the airline company or finally discharged by it, within and without this state during the preceding calendar year;

(9) The total time in equated plane hours, of all aircraft of the scheduled airline company in flight in this state during the preceding calendar year, plus the total time of such aircraft on the ground in this state during the preceding calendar year and the total of such time in flight or on the ground within and without this state during the preceding calendar year;

(10) The number of revenue ton miles of passengers, mail, express and freight flown by the scheduled airline company within this state during the preceding calendar year and the total number of such miles flown by it within and without this state during the preceding calendar year;

(11) The number of arrivals and departures of all aircraft of the scheduled airline company in this state during the preceding calendar year and the total number of such arrivals and departures within and without this state during the preceding calendar year;

(12) Such other information as the board may require.

Board to determine value.

Section 4. **Determination of Value.** The board shall determine the full and true valuation of all flight property operated or used by every scheduled airline company in air commerce in this state. In determining the valuation apportioned to this state of such flight property, the board may consider the proportion of total tonnage in the state, total time in equated plane hours, number of revenue ton miles and number of arrivals and departures as required to be reported under section 3 of this act.

Notice and hearing.

Section 5. **Hearing Before Board.** After making such assessment the board shall give at least ten (10) days' written notice thereof to the person or persons to whom the assessment is made, together with time and place of hearing thereon, at which time and place such person or persons, or any taxpayer may appeal before the board in person,

HeinOnline -- 1955 557 1955

or otherwise, to show cause why such assessment should be either lowered or raised.

Procedure on failure to file statement.

Section 6. **Procedure on Failure to File Statement.** If any airline company shall refuse or neglect to make the statement required by this act to the board, or shall refuse or neglect to permit an inspection and examination of its property, its records, books, accounts, or other papers when requested by the board or shall refuse or neglect to appear before the board when required so to do, the board shall assess the property of such airline company according to its best judgment on available information, and may add to the assessment a penalty not exceeding ten per cent (10%) of the assessment, and such airline company shall be estopped to question or impeach the action or determination of the board thereon.

Penalty.

Apportionment to counties.

Section 7. **Transmission of Statement of Amount Apportioned to Counties.** On or before the second Monday in July, the board shall apportion such assessment to the counties in or through which the airline operates. The county assessor must enter the amount of the assessment apportioned to the county in the column of the assessment roll or book which shows the total value of all property for taxation in the county. The assessment shall be assigned to class 7 having a taxable value of forty per cent (40%) of assessed value.

Record to be kept by board.

Section 8. **Record of Assessment and Apportionment of Properties.** The state board of equalization must keep a record of all such assessments and apportionments.

Severability clause.

Section 9. **Effect of Adjudication Act Unconstitutional.** If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Extension of report time.

Section 10. The board for good cause may extend for not to exceed thirty (30) days the time for making a report as required under section 3 of this act.

Repealing clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

HeinOnline -- 1955 558 1955

Section 12. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 10, 1955.

CHAPTER 250

An Act to Amend Section 32-1123, Revised Codes of Montana, 1947, as Amended by Chapter 73 of the Session Laws of Montana, 1953, Relating to Uniform Standards Governing the Maximum Dimensions, Weights, and Speeds of Motor Vehicles Operating Over the Highways of the State of Montana, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 32-1123, Revised Codes of Montana, 1947, as previously amended by section 1, chapter 73 of the session laws of Montana, 1953, be amended to read as follows: Amending clause.

"32-1123. **Standards of Maximum Dimensions, Weights, Speeds, Etc.** The following standards are hereby made applicable to, and shall govern the maximum dimensions, weights and speeds of motor vehicles, and other characteristics and factors thereof, operating over the highways of, and in the State of Montana, to the exclusion of any other standards or any other requirements respecting the subject matter: Standards of maximum dimensions, other limits.

(1) Width — No vehicle, unladen or with load, shall have a total outside width in excess of ninety-six (96) inches, *except busses which may have a total outside width not to exceed one hundred two (102) inches, and such bus width shall be allowed only on paved highways twenty (20) feet or more in width; provided, however, that this restriction does not apply to implements of husbandry moved or propelled upon the highway during daylight hours for a distance of not more than fifty (50) miles, if the movement is incidental to the farming operations of the owner of the implement of husbandry; provided, further, that with respect to such implements of husbandry having a width in excess of twelve (12) feet, it shall be preceded and followed by flagmen escorts for the purpose of warning other highway users.* Width. Exceptions, busses, when. Husbandry implements.

HeinOnline -- 1955 559 1955

Height. (2) Height — No vehicle, unladen or with load, shall exceed a height of thirteen (13) feet, six (6) inches.

Length. (3) Length — (a) No single truck, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of thirty-five (35) feet.

(b) No single bus, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty (40) feet.

Multiple unit combinations. (c) No combination of *(1) truck-tractor and semitrailer, (2) truck and trailer, or other combination of vehicles shall consist of more than two units except that, at the discretion of the state highway commission, they may permit combinations of vehicles of not more than three units consisting of (3) tractor-semitrailer-semitrailer converted to full trailer by use of a dolly equipped with fifth wheel which shall be considered a part of the trailer for all purposes and not as a separate unit, or (4) tractor-semitrailer-full trailer, and no such combination of vehicles,* unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet, *provided that when the combination consists of more than two (2) units the rear unit of such combination shall be equipped with breakaway brakes.*

Towing. (d) *No motor vehicle shall tow more than one motor vehicle and no motor vehicle shall draw more than two motor vehicles attached thereto by the dual saddlemount method, that is by mounting the front wheels of one vehicle on the bed of another leaving the rear wheels only of such vehicle in contact with the roadway, nor shall such combination* have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet.

(e) No passenger vehicle or truck of less than two thousand (2000) pounds 'manufacturers' rated capacity' shall tow more than one (1) trailer or semitrailer nor shall such combination have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet.

Minimum speed. (4) Speed — (a) Minimum speed. No motor vehicle shall be unnecessarily driven at such slow speed as to impede or block the normal and reasonable movement of traffic. Exception to this requirement shall be recognized when reduced speed is necessary for safe operation or when a

HeinOnline -- 1955 560 1955

vehicle or combination of vehicles is necessarily or in compliance with law or police direction proceeding at reduced speed.

Maximum speed.

(b) Maximum speed. No truck shall be operated at a speed greater than forty-five (45) miles per hour. Passenger vehicles may be operated at such speeds as shall be consistent at all times with safety and the proper use of the roads.

Solid tire speed limit.

(c) Vehicles equipped with solid rubber on cushion tires shall be operated at a speed not in excess of ten (10) miles per hour.

Permissible loads.

(5) Permissible loads — (a) No axle shall carry a load in excess of eighteen thousand (18,000) pounds. An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

Axle-group loads.

(b) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is eighteen (18) feet or less, and the gross weight of any vehicle when the distance between the first and last axles of all the axles of the vehicle is eighteen (18) feet or less, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles, or between the first and last axles of all of the axles of any vehicle.	Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle.
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800

HeinOnline -- 1955 561 1955

17	45,600
18	46,400

Axle loads.

(c) The gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicle or combination of vehicles is more than eighteen (18) feet, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of all of the axles of a vehicle or combination of vehicles.	Maximum gross weight, in pounds, of any vehicle or combination of vehicles.
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800

HeinOnline -- 1955 562 1955

52	73,600
53	74,400
54	75,200
55	76,000
56	76,400
57	76,800

How measurements computed.

(d) The distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half (½) foot the next larger whole number shall be used.

Commission may reduce load limits.

(e) The maximum axle and axle group loads stated in paragraphs (a), (b) and (c) of clause (5) above are subject to reasonable reduction in the discretion of the state highway commission during periods when road subgrades have been weakened by water saturation or other cause.

Special permits for excessive weights.

(f) The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits herein recommended shall be permitted only if and when authorized by special permit issued by the state highway commission or its officers, supervisors or agents acting pursuant to duly delegated authority from said commission, including the state highway patrol."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 251

An Act to Provide for Payment of Gross Vehicle Weight Taxes on Power Units of Three Unit Combinations of Vehicles Including the Trailers to be Drawn by Such Vehicles; Providing for the Marking of Motor Vehicles and Trailers So Registered; Providing That Such Vehicles Shall Comply With All Other License and Fee Statutes; Providing That This Act Shall Not Allow Weights in Excess of Authorized Axle Weights; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In lieu of the gross weight fees provided in

HeinOnline -- 1955 563 1955

Registration in lieu of gross weight fees, multiple units.

section 1 of chapter 219 of the session laws of 1951, as amended by section 1 of chapter 139 of the session laws of 1953, or as subsequently amended (being section 53-615 of the Revised Codes of Montana), the owner of any motor truck or truck-tractor used or to be used on the highways of the State of Montana in connection with two trailers or semi-trailers at the same time, as a three unit combination, shall register all such vehicles to be operated by such owner as three unit combinations, in the following manner:

Procedure.

(1) By paying the registration and fees covering the maximum practical gross vehicle weight for such truck or truck-tractor, but not less than the actual operating gross weight under the provisions of section 53-122, as amended, section 53-615, as amended, and section 53-114, as amended, and

(2) By registering such trailers in accordance with the provisions of section 53-114, as amended, and section 53-122, as amended, and by paying the gross vehicle weight fee prescribed for the maximum trailing load in accordance with the provisions of section 53-615, as amended, on each two trailers, on the combined gross vehicle weight, computed as a single unit.

Distinctive mark for multiple unit registration on tractor.

(3) Vehicles on which fees are paid in accordance with this provision shall be marked with a distinctive mark to be designated by the highway commission and the tractor or truck-tractor shall have marked thereon the total gross vehicle weight for which tax has been paid on the combined motive power and trailing load, but nothing herein shall be construed as authorizing axle loads in excess of those provided by section 32-1123, as amended, of the Revised Codes of Montana, 1947.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 252

An Act to Amend Section 71-1003 of the Revised Codes of Montana of 1947, as Amended by Section 1, Chapter 192 of the Session Laws of the Thirty-first Legislative Assembly of Montana of 1949, and as Amended by Chapter

HeinOnline -- 1955 564 1955

42 of the Session Laws of the Thirty-third Legislative Assembly of Montana of 1953; Section 71-1004 of the Revised Codes of Montana of 1947, as Amended by Section 2, Chapter 192 of the Session Laws of the Thirty-first Legislative Assembly of Montana of 1949, and as Amended by Section 1, Chapter 204 of the Session Laws of the Thirty-third Legislative Assembly of Montana of 1953; and Section 71-1008 of the Revised Codes of Montana of 1947, as Amended by Section 3, Chapter 192 of the Session Laws of the Thirty-first Legislative Assembly of Montana of 1949, and as Amended by Section 2, Chapter 204 of the Session Laws of the Thirty-third Legislative Assembly of Montana of 1953, Relating to Eligibility Requirements for Aid to Persons Having Silicosis, as Herein Defined; Providing for Payment of Benefits Hereunder, Amount of Such Payments, Authorizing Deductions Therefrom and Making This Act Conform With Acts of the Federal Government; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 71-1003 of the Revised Codes of Montana of 1947, as amended by section 1, chapter 192 of the session laws of the thirty-first legislative assembly of Montana of 1949, and as amended by chapter 42 of the session laws of the thirty-third legislative assembly of Montana of 1953, be, and the same is hereby amended to read as follows:

Eligibility requirements.

"71-1003. **Eligibility Requirements for Aid to Persons Having Silicosis, as Herein Defined.** Payments shall be made under this act to any person who:

"Gainful employment."

(a) Has silicosis, as defined in *section 71-1001 of the Revised Codes of Montana of 1947,* which results in his total disability so as to prevent him from engaging in a gainful occupation. The term 'gainful occupation' as used herein shall not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential, *but shall mean any person having an income from any other source exceeding one hundred fifty dollars ($150.00) per month.*

Limitation on income from other sources.

(b) Has resided in and been an inhabitant of the State

HeinOnline -- 1955 565 1955

Residence.

of Montana for ten (10) years, or more, immediately preceding the date of the application.

Not in public institution.

(c) *Has silicosis and is entitled to payments under this act, but who is not at the time of receiving a payment an inmate of a penal institution, or is not a patient or inmate of any institution for the treatment of mental diseases, or is not a patient in a medical institution as a result of having been diagnosed as having a psychosis.* If the person to whom payment has been ordered to be paid is an inmate of Montana state tuberculosis sanatorium, then and in that case the payment herein provided for shall be made to his wife and children, if any.

Except T. B. hospital.

(d) Is not receiving, with respect to any month for which he would receive a payment under this *act,* compensation under the workmen's compensation act of the State of Montana, which will equal the *sum of sixty-five dollars ($65.00),* hereunder. If he is receiving payments *under the workmen's compensation act which is less in the aggregate than sixty-five dollars ($65.00), then he is entitled to a payment under this act of the difference between the amount received under the workmen's compensation act and sixty-five dollars ($65.00)* per month.''

Limitations if under workmen's compensation.

Amending clause.

Section 2. That section 71-1004 of the Revised Codes of Montana of 1947, as amended by section 2, chapter 192 of the session laws of the thirty-first legislative assembly of Montana of 1949, and as amended by section 1, chapter 204 of the session laws of the thirty-third legislative assembly of Montana of 1953, be, and the same is hereby amended to read as follows:

Amount of payments.

''*71-1004.* **Amounts of Payments.** *Subject to the provisions of this act and the deductions herein provided,* any person who has silicosis, as defined in this part, and who has, subject to the regulations and standards of the state and county departments, been determined by the state department to be entitled to a payment under this part for silicosis, shall be granted a payment by the said state department of *sixty-five dollars ($65.00)* per month subject to such appropriations as may from time to time be made. The legislature shall authorize such additional appropriations as may be necessary to make the increased monthly payments provided herein.''

Amount increased.

HeinOnline -- 1955 566 1955

Section 3. That section 71-1008 of the Revised Codes of Montana of 1947, as amended by section 3, chapter 192 of the session laws of the thirty-first legislative assembly of Montana of 1949, and as amended by section 2, chapter 204 of the session laws of the thirty-third legislative assembly of Montana of 1953, be, and the same is hereby amended to read as follows: Amending clause.

"71-1008. **Conformity With Acts of Federal Government.** If and when the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, as herein defined, the public welfare department of the State of Montana is hereby authorized to administer in the State of Montana such grants in aid and payments in addition to grants made by this act. The total payments to any individual under this act shall not exceed *sixty-five dollars ($65.00)* per month exclusive of any grants made by congress." Conformity with federal acts. Any federal grant is additional.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 10, 1955.

CHAPTER 253

An Act to Amend Sections 92-701, 92-702, 92-703, 92-704, 92-706 and 92-709 of the Revised Codes of Montana of 1947, as Amended by Chapter 38 of the Laws of Montana of 1953, and Section 92-708 of the Revised Codes of Montana of 1947, Relating to Increases in Workmen's Compensation in Cases of Temporary Total, Permanent Total and Partial Disabilities, Injury Causing Death, Specific Injuries, Medical and Hospital Services and Other Treatment, and Relating to Compensation Running Consecutively, Major and Minor Dependents Not Residing in United States and Manner of Payment, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 92-701 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws Amending clause.

HeinOnline -- 1955 567 1955

of Montana of 1953, be, and the same is hereby amended to read as follows:

Rates for temporary total disability.

"92-701. **Compensation for Injury Producing Temporary Total Disability. For an Injury Producing Temporary Total Disability.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States, who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to *a* maximum compensation of *twenty-eight and 50/100 dollars ($28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to *a* maximum compensation of *twenty-nine and 50/100 dollars ($29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to *a* maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars ($31.50)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars ($32.50)*

HeinOnline -- 1955 568 1955

per week, and subject in all cases to a minimum compensation of *nineteen and 50/100 dollars ($19.50)* per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury."

Amending clause.

Section 2. That section 92-702 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Rates for permanent total disability.

"92-702. **Compensation for Injury Producing Total Disability Permanent in Character. For an Injury Producing Total Disability Permanent in Character.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars ($28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars ($29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per

HeinOnline -- 1955 569 1955

centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars ($31.50)* per week; where the injured employee has a wife and four (4) children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars ($32.50)* per week; and subject in all cases to a minimum compensation of *nineteen and 50/100 dollars ($19.50)* per week; and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Amending clause.

Section 3. That section 92-703 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Rates for partial disability.

"92-703. **For Partial Disability — For an Injury Producing Partial Disability.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-eight and 50/100 dollars ($28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured

HeinOnline -- 1955 570 1955

employee is able to earn thereafter, subject to a maximum compensation of *twenty-nine and 50/100 dollars ($29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-one and 50/100 dollars ($31.50)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two thirds per centum (66 2/3%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-two and 50/100 dollars ($32.50)* per week; not exceeding, however, the maximum compensation allowed in cases of total disability, and not exceeding the total compensation provided in this act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding, however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents decreases."

Section 4. That section 92-704 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Amending clause.

"92-704. **Compensation for Injury Causing Death.** For beneficiaries residing within the United States: Where decedent leaves one (1) beneficiary, fifty per centum (50%) of the wages received at the time of the injury,

Rate for death.

HeinOnline -- 1955 571 1955

subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where decedent leaves two (2) beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars ($28.50)* per week; where decedent leaves three (3) beneficiaries, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars ($29.50)* per week; where decedent leaves four (4) beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where decedent leaves five (5) beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars ($31.50)* per week; where decedent leaves six (6) or more beneficiaries, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars ($32.50)* per week; and subject in all such cases to a minimum compensation of *nineteen and 50/100 dollars ($19.50)* per week.

"For beneficiaries residing outside of the United States: Where decedent leaves one (1) beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two (2) beneficiaries, forty-five per centum (45%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three (3) beneficiaries, forty-seven and one-half per centum (47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four (4) or more beneficiaries, fifty per centum (50%) of the compensation which would be payable to such beneficiaries, if residing within the United States.

"If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date of the happening of the injury; where decedent leaves one (1) major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensa-

HeinOnline -- 1955 572 1955

tion of *twenty-six and 50/100 dollars ($26.50)* per week; where decedent leaves two (2) major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars ($28.50)* per week.

"If the decedent leaves no major dependents, compensation shall be payable to his minor dependents, if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one (1) minor dependent, thirty per centum (30%) of the wages received at the time of the injury; where decedent leaves two (2) minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury; where decedent leaves three (3) or more minor dependents, forty per centum (40%) of the wages received at the time of the injury.

"All such payments of compensation provided for in this section shall be subject to a maximum compensation of *thirty-two and 50/100 dollars ($32.50)* per week for a period not exceeding five hundred (500) weeks and subject to change when the number of beneficiaries or dependents decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency."

Amending clause.

Section 5. That section 92-706, Revised Codes of Montana, 1947, as amended by chapter 41 of the session laws of 1949, as amended by chapter 38 of the session laws of 1953, be, and the same hereby is amended to read as follows:

Medical and hospital allowance.

"92-706. (2917) **Medical and Hospital Services and Such Other Treatment as Approved by the Board, to be Furnished.** In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

Time increased.

"During the first *eighteen (18)* months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of *twenty-five hundred dollars ($2500.00); provided however, that in cases of total disability where apportionment of such sum does not meet all hospitalization expenses, the board may*

Amount increased.

HeinOnline -- 1955 573 1955

Proviso—additional hospital expense.

allow an additional amount up to one thousand dollars ($1,000.00) for such additional hospital expenses. The employer or insurer or the board shall not be required to furnish such services if the employee *refuses* to allow them to be furnished *or* if the employee is under hospital contract as provided in section 92-610 (2907) of this act.

Hospital contract, facilities inadequate.

"When such employee is under a hospital contract as above and when hospital and medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee may, anytime, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

Artificial members.

"And be it further provided, that where an injury arising out of and received in the course of employment necessarily results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the industrial accident board may, in its discretion, order that an artificial member be furnished to supply the loss of any such member or members so lost. Such artificial member shall be furnished at the expense of the employer, operating under plan one, or the insurer, operating under plan two, or the industrial accident fund where the employer is operating under plan three. The expense of furnishing any such member shall not exceed the following amounts: Hand or arm to elbow—two hundred fifty dollars ($250.00). Arm above elbow—three hundred dollars ($300.00). Foot or leg—two hundred fifty dollars ($250.00). Eye—twenty-five dollars ($25.00). Teeth—one hundred seventy-five dollars ($175.00). The replacement of an artificial member so furnished shall be required every five (5) years, if necessary."

Amending clause.

Section 6. That section 92-709 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Specified injury schedule.

"92-709. **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation provided by this act, shall be as follows: Where the injured employee has

HeinOnline -- 1955 574 1955

no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars ($26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars ($28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars ($29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars ($31.50)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars ($32.50)* per week, subject to change when the number of beneficiaries or dependents decreases, and subject in all cases to a minimum compensation of *nineteen and 50/100 dollars ($19.50)* per week, and shall be paid for the following periods:

For loss of:

One arm at or near shoulder ..... 250 weeks

HeinOnline -- 1955 575 1955

One arm at the elbow	225	weeks
One arm between wrist and elbow	200	weeks
One hand	187	weeks
One thumb and the metacarpal bone thereof	75	weeks
One thumb at the proximal joint	37	weeks
One thumb at the second distal joint	25	weeks
One first finger and the metacarpal bone thereof	37	weeks
One first finger at the proximal joint	25	weeks
One first finger at the second joint	18	weeks
One first finger at the distal joint	12	weeks
One second finger and the metacarpal bone thereof	37	weeks
One second finger at the proximal joint	18	weeks
One second finger at the second joint	12	weeks
One second finger at the distal joint	6	weeks
One third finger and the metacarpal bone thereof	25	weeks
One third finger at the proximal joint	15	weeks
One third finger at the second joint	10	weeks
One third finger at the distal joint	5	weeks
One fourth finger and the metacarpal bone thereof	15	weeks
One fourth finger at the proximal joint	11	weeks
One fourth finger at the second joint	7	weeks
One fourth finger at the distal joint	4	weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	250	weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	187	weeks
One leg between knee and ankle	175	weeks
One foot at the ankle	156	weeks
One great toe with the metatarsal bone thereof	37	weeks
One great toe at the proximal joint	18	weeks
One great toe at the second joint	12	weeks
One toe other than the great toe with the metatarsal bone thereof	15	weeks
One toe other than the great toe at the proximal joint	7	weeks
One toe other than the great toe at second or distal joint	4	weeks
One eye by enucleation	150	weeks
Total blindness of one eye	125	weeks

HeinOnline -- 1955 576 1955

Total loss of hearing, one ear ..... 25 weeks
Total loss of hearing, both ears ..... 150 weeks

"The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in one accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Amending clause.

Section 7. That section 92-708 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Compensation to run consecutively.

"92-708. (2919) **Compensation to Run Consecutively — Major and Minor Dependents Not Residing in the United States — Manner of Payment.** Compensation shall run consecutively and not concurrently and payment shall not be made for two (2) classes of disability over the same period, *provided that the total period over which compensation shall be payable for two or more classes of disability, including death, resulting from any compensable injury, shall not extend for a period of more than five hundred (500) weeks, and* provided that no compensation shall be paid to a major or minor dependent who did not reside within the United States at the date of the happening of the injury. Compensation due to beneficiaries shall be paid to the surviving spouse, if any, or if none, then divided equally among or for the benefit of the children. In cases where beneficiaries are a surviving widow and stepchildren of such widow the compensation shall be divided equally among all beneficiaries. Compensation due to major dependents where there be more than one, shall be divided equitably among them and likewise as to minor dependents, and the question of dependency and amount thereof shall be a question of fact for determination by the board."

Proviso— maximum limitation.

Excluding foreign major and minor dependents.

Manner of payment.

HeinOnline -- 1955 577 1955

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 254

An Act to Amend Section 32-1127, Revised Codes of Montana, 1947, Relating to Permits for Excess Size and Weight, by Providing for Discretion of Issuer Granting Special Permits; by Providing for Issuer to Limit or Prescribe Conditions of Operation of Vehicle or Vehicles on the Public Highways; by Providing for Special Permit Fees; by Providing That the Fees Shall be Remitted to the State Treasurer for Deposit in the State Highway General Fund; by Providing for Penalties for Violation of This Act; by Providing for Display of Permits; by Providing That the Permits May be Confiscated for Violations of This Act; Providing for a Hearing Thereon Before the State Highway Commission Upon Application; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-1127 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Permits for excess size and weight.

"32-1127. **Permits for Excess Size and Weight.** The state highway commission, and local authorities in their respective jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing, authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible; *provided, however, that no permits are to be issued for movement of vehicles carrying build-up or reducible loads in excess of nine (9) feet in width or exceeding the length, height, or weight specified in this act;* provided, however, that no permits are to be issued for the moving of loads for any considerable distances over such highways when the loads in question are of such excess width that all traffic lanes

Maximum size limits.

HeinOnline -- 1955 578 1955

upon the highway concerned would be blocked to the serious inconvenience of normal traffic; and further provided that no permits are to be granted for the moving of loads of such excess width that a hazard to traffic would be involved for any considerable distances over the highways concerned except to those applicants who carry public liability and property damage insurance for the protection of the traveling public as a whole. No permit shall be issued for a period of more than nine (9) months.''

Contents of application.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved, and the particular state highways for which permit to operate is requested and whether such permit is required for single trip or for continuous operation. All fees collected under this act shall be forwarded to the state treasurer for deposit in the state highway general fund.

Special permits.

(a) Special permits — discretion of issuer — conditions. The state highway commission or local authority is authorized to issue or withhold such special permit at its discretion, or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against damage to the road foundation, surfaces or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

Commission discretion.

Conditions.

Fees.

(b) Special permits — fees. The following fees, in addition to the regular license and gross vehicle weight fees, shall be paid for all movements under special permits on the public highways under the jurisdiction of the state highway commission:

Three dollars ($3.00) for each permit issued in excess of the size and weight specified in this act: provided, however, that term or blanket permits shall not be issued for overwidth loads in excess of fifteen (15) feet, overlength loads in excess of seventy (70) feet, and overheighth loads in excess of a limit determined by the highway commission. Loads in excess of these dimensions will be limited to trip permits.

HeinOnline -- 1955 579 1955

Additional trip permit fee.

In addition to the three dollar ($3.00) fee specified herein for overweight permits, there shall be charged (1) for single trip permits five dollars ($5.00) for distances to and including one hundred (100) miles, fifteen dollars ($15.00) for distances from one hundred one (101) to one hundred ninety-nine (199) miles, and twenty-five dollars ($25.00) for distances over two hundred (200) miles traveled, for such excess load over the gross allowable load specified in this section or the sum of the excess axle loads, whichever is greater.

Misrepresentation. Penalty.

(c) Special permits — misrepresentations and violations — penalty — display of permit. Any person who knowingly and wilfully misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirements and conditions of the special permit or who operates any vehicle, the gross weight of which is in excess of the maximum for which such vehicle may be eligible for license, without first obtaining a special permit, is guilty of a misdemeanor.

Permit to be carried in vehicle.

Every special permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer, officer of the Montana highway patrol, or employees of the maintenance department of the Montana highway commission.

Violation of permit, penalty.

A peace officer, officer of the Montana highway patrol, or employees of the maintenance department of the Montana highway commission who shall find any person operating a vehicle in violation of the conditions of a special permit issued hereunder may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated and if a permit shall be returned to the permittee, the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may, upon request, receive a hearing before the commission or person designated by the commission. The commission, after such hearing, may reinstate any permit or revise its previous action.

HeinOnline -- 1955 580 1955

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 10, 1955.

CHAPTER 255

An Act to Amend Section 10 of Chapter 39 of the Laws of the Twenty-ninth Legislative Assembly of the State of Montana, 1945, as Amended by Chapter 167, of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, Relating to the License Tax Paid by Dealers to the State Board of Equalization, or Refunds on Gasoline and Fixing the Amount Thereof; Providing for an Effective Date; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 10 of chapter 39 of the laws of the twenty-ninth legislative assembly of the State of Montana, 1945, as amended by chapter 167 of the laws of the thirty-first legislative assembly of the State of Montana, 1949, be, and the same is hereby amended to read as follows: Amending clause.

"Section 10. For the purpose of providing funds for the payment of the interest upon and maturing principal of the state highway treasury anticipation debentures herein provided for, every dealer as referred to and defined in the gasoline license tax laws of the State of Montana now in effect, until the principal and interest of all debentures issued under the authority of this act shall have been paid, shall pay to the state board of equalization for deposit in the state treasury, a license tax for the privilege of engaging in and carrying on such business in this state, in an amount equal to *seven cents (7¢)* for each gallon of gasoline (as defined in section *84-1801 (*2381.11*)*, Revised Codes of Montana, *1947, as amended by section 1, chapter 52, laws of 1951), for the period commencing April 1, 1955 and ending March 31, 1957 and thereafter in an amount equal to six cents (6¢) for each gallon of gasoline as so defined,* refined, manufactured, produced or impounded by such dealer, and distributed, used or sold by him in this state, or shipped, transported or imported by such dealer into and distributed, used or sold by him within this state, after Per gallon license tax. Increased. Time limited.

HeinOnline -- 1955 581 1955

it has arrived in and is brought to rest within this state, whether sold in the original packages or in broken packages; provided that all gasoline delivered by any dealer to any of his own service stations in this state shall be deemed to have been sold, and shall be treated and considered as sold, in computing such license tax, in the same manner as though the same had been sold to other persons. *The seven cents (7¢) tax shall apply to each and every gallon of gasoline of the dealer in inventories, storage, or in transit on April 1, 1955, and the additional one cent (1¢) shall be paid to the state board of equalization of the State of Montana on all gasoline which is held for sale on which the six cent (6¢) tax has been previously paid and which has not been delivered to and received by the consumer. Provided, however, that the dealer who has paid or is obligated to pay the seven cent (7¢) gasoline tax, less two per cent (2%) gasoline shrinkage on gasoline in inventory, storage, or in transit, and which has not been sold to the consumer on April 1, 1957, and who shall submit a claim for refund by May 1, 1957, shall be entitled to a refund from the state board of equalization of the State of Montana of one cent (1¢) per gallon of gasoline for each gallon upon which such tax has actually been paid to the State of Montana, less two per cent (2%) gasoline shrinkage, as is now provided by law for refunds from the state board of equalization of the State of Montana.* No gasoline used or sold by such dealer, which was purchased by him from a dealer who has paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, and no gasoline exported by such dealer out of the State of Montana shall be included in the computation of any dealer's license tax herein provided for."

Scope of act.

Refund on gas unsold April 1, 1957.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective April 1, 1955.

Section 3. This act shall be in full force and effect from and after April 1, 1955.

Approved March 10, 1955.

CHAPTER 256

An Act to Amend Section 53-114, Revised Codes of Montana, 1947, and Section 84-406, Revised Codes of Mon-

HeinOnline -- 1955 582 1955

tana, 1947; Providing That Motor Vehicles Held for Sale in the Stock of Any Duly Licensed Motor Vehicle Dealer or Used Motor Vehicle Dealer Shall be Assessed as Merchandise as of the First Monday in March of Each Year in the Same Manner as Other Merchandise; Providing That Wholly New and Unused Motor Vehicles Acquired by Original Contract After the First Day of January Shall be Subject to the Motor Vehicle Sales Tax Provided in Section 53-617, Revised Codes of Montana, 1947, Whether or Not Such Vehicles Were Within the State of Montana on the First Day of January; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-114, Revised Codes of Montana, 1947, as amended by chapter 195, laws of 1953, be, and the same is hereby amended to read as follows:

Application for registration for each motor vehicle.

"Section 53-114. (1759) **Application for Registration of Motor Vehicles and Payment of License Fees Thereon** — *Assessment of Motor Vehicles in the Stock of Licensed Motor Vehicle Dealers as Merchandise* — **Proportional Registration of Fleets of Vehicles Engaged in Interstate Commerce.** (1) Every owner of a motor vehicle operated or driven upon the public highways of this state shall, for each motor vehicle owned, except as herein otherwise expressly provided, file, or cause to be filed, in the office of the county treasurer wherein such motor vehicle is owned or taxable, an application for registration, or re-registration, upon blank form to be prepared and furnished by the registrar of motor vehicles, executed in quintuplet, which application shall contain:

Contents of application.

"(a) Name and address of owner, giving county, school district, and town or city within whose corporate limits the motor vehicle is taxable.

"(b) Name and address of conditional sales vendor, mortgagee or holder of other lien against said motor vehicle, with statement of amount owing under such contract or lien.

"(c) Description of motor vehicle, including make, year model, engine and serial number, manufacturer's model or letter, gross weight, type of body and, if truck, the rated capacity.

HeinOnline -- 1955 583 1955

"(d) In case of re-registration, the license number for the preceding year.

"(e) Such other information as the registrar of motor vehicles may require.

Assessor to enter valuation on application.

"(2) Before filing such application with the county treasurer, the applicant shall submit the same to the county assessor of said county and said county assessor shall enter on said application in a space to be provided for that purpose, the full and true and the assessed valuation of said vehicle for the year for which said application for registration is made.

Registration fee, property taxes, to be paid on filing application

"(3) The applicant shall, upon the filing of said application (1) pay to the county treasurer the registration fee, as provided in section 53-122, section 1, chapter 219, laws of 1951, and section 53-115, and shall also at such time (2) pay the personal *property* taxes assessed against said vehicle for the current year of registration (unless the same shall have been theretofore paid for said year) before the application for registration or re-registration may be accepted by the county treasurer. The county treasurer is hereby empowered to make full and complete investigation of the tax status of said vehicle and any applicant for registration or re-registration must submit proof with respect thereto from the tax records of the proper county at the request of the county treasurer.

Tax computed on preceding year's levy.

"(4) The amount of taxes on said motor vehicle shall be computed and determined by the county treasurer on the basis of the levy of the year preceding the current year of application for registration or re-registration and such determination shall be entered on the application form in a space provided therefor.

Motor vehicles assessable Jan. 1 each year.

"(5) Motor vehicles, *except as hereinafter provided,* are hereby declared to be assessable for taxation as of and on the first day of January in each year irrespective of the time fixed by law for the assessment of other classes of personal property, and irrespective of whether or not the levy and tax may be a lien upon real property within the State of Montana, provided that in no event shall any motor vehicle be the subject to assessment, levy and taxation more than once in each year, *and provided, further, that new motor vehicles, and used motor vehicles which*

HeinOnline -- 1955 584 1955

have not previously been assessed and licensed during the current year, when held for sale in the stock of any duly licensed motor vehicle dealer or used motor vehicle dealer, are hereby declared to be merchandise and shall be assessed as of the first Monday in March in each year in the same manner as other stocks of merchandise.

Excepting new vehicles, used vehicles for sale, in March.

"(6) The applicant for original registration of any wholly new and unused motor vehicle acquired by original contract after the first day of January of any year *shall be required, whenever such vehicle has not been otherwise assessed, to pay the motor vehicle sales tax provided by section 53-617, Revised Codes of Montana, 1947, irrespective of whether or not such vehicle was in the State of Montana on the first day of January of such year.*

Original registrant to pay vehicle sales tax.

"(7) Upon accepting application for registration or re-registration of any motor vehicle which is subject to taxation in this state on January 1st in any year, and upon payment of taxes, the county treasurer shall stamp on said application: 'Taxes on this vehicle due January 1st of current year paid by applicant, prior applicant or owner and this vehicle is eligible for registration.'

County treasurer—procedure.

Upon accepting application for registration of any motor vehicle which was not subject to taxation in this state on January 1st in any year, the county treasurer shall indicate such fact by proper entry on said application; *and in case such motor vehicle shall have been assessed for taxation as a part of the stock of merchandise of a licensed dealer, the county treasurer shall indicate such fact by proper entry on said application, and the applicant for registration shall not be required to pay the personal property tax on any motor vehicle so assessed as merchandise.*

Exception, where part of stock of merchandise.

"(8) The registrar of motor vehicles shall have authority to make proper entry on any certificate of title to any motor vehicle respecting payment of taxes in accord with the facts.

Registrar, authority.

"(9) (a) Any owner engaged in operating fleets of two or more vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of this act, register and license such fleet for operation in this state by filing a sworn application with the registrar of motor vehicles, and filing a duplicate copy

Proportional registration of fleets.

HeinOnline -- 1955 585 1955

Procedure, computation.

of said statement with the county treasurer or county treasurers of the proper counties or registration, declaring the total mileage operated by such vehicles in all states and in this state during the preceding calendar year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. Such statement shall also designate a sufficient number of certain vehicles to be registered and licensed under this section to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in said statement, to the fees which would otherwise be required for total fleet registration in this state. The registrar of motor vehicles shall thereupon notify the proper county treasurer or county treasurers of the designated vehicles to be licensed, who, on payment of proper fees, will issue the licenses, and the registrar of motor vehicles shall upon payment of a fee of one dollar ($1.00) for each said vehicle, issue a distinctive sticker for each other vehicle named in said statement identifying it as an interstate fleet which shall be exempt from all further license and weight fee requirements of this state, which may be specified in title 53 of this code, as amended, provided, that each of such vehicles is properly and duly licensed and registered in some other state, district, possession or territory of the United States or some foreign province, state or country. The proportional registration and licensing provisions of this section shall apply to vehicles added to said fleet and operated in this state during the license year. Montana operators electing to register an interstate fleet shall comply with all requirements of this section relating to the payment of property taxes on his entire fleet. The right of out-of-state operators to proportional registration hereunder shall be subject to the terms and conditions of any reciprocity agreement or declaration made and filed by the registrar of motor vehicles under the provisions of section 53-129, as herein amended.

Registrar to determine mileage proportions.

"(b) Mileage proportions for interstate fleets not operated in this state during the preceding year will be determined by the registrar of motor vehicles upon the sworn application of the applicant on forms to be supplied by the registrar of motor vehicles, which will show the operations of the preceding year in other states and the estimated operation in Montana or if no operations were conducted

HeinOnline -- 1955 586 1955

the previous year a full statement of the proposed method of operation.

"(c) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of four (4) full years following the year upon which said application is based. Upon request of the registrar of motor vehicles, the owner agrees to make such records available to the registrar of motor vehicles at his office for audit as to accuracy of computation and payments, or to pay the costs of an audit by the registrar of motor vehicles or his duly appointed representative at the home office of the owner. If by audit, it is determined that the owner should have registered more vehicles in Montana under provisions of this paragraph, the registrar of motor vehicles may deny such owner the right of any further benefits by reason of any reciprocal agreement or declaration until the fees for such additional vehicle or vehicles which should have been registered are paid to the registrar of motor vehicles. All license fees which should have been paid under the provisions of this paragraph shall be a lien upon all the property of the owner and such lien shall attach at the time the license fees shall be determined by the registrar of motor vehicles and shall have the effect of an execution duly levied on such property of the owner and shall so remain until said additional fees, so determined are paid or the property sold for the payment thereof."

Owner's records to be preserved four years.

Section 2. That section 84-406, Revised Codes of Montana, 1947, be, and the same is hereby amended to read:

Amending clause.

"Section 84-406. (2002) **When Assessment to be Made — Credits Must be Assessed, How** — *Assessment of Motor Vehicles.* (1) The assessor must, between the first Monday of March and the second Monday of July in each year, ascertain the names of all taxable inhabitants, and assess all property in his county subject to taxation, except such as is required to be assessed by the state board of equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock M. of the first Monday of March next preceding, except that such procedure shall not apply to motor vehicles *which are not a part of the stock of merchandise of a licensed dealer and which are required by*

When assessment to be made.

Exception— motor vehicles not dealer's stock.

HeinOnline -- 1955 587 1955

subdivision (2) hereof to be assessed as of the first day of January; but no mistake in the name of the owner or supposed owner of real property renders the assessment thereof invalid. Credits must be assessed as provided in section 84-101, subdivision 6.

Motor vehicle assessment date.

"(2) The assessor must ascertain and assess all motor vehicles in his county subject to taxation as of January 1st in each year, and the same shall be assessed to the persons by whom owned or claimed, or in whose possession or control such vehicle was at twelve o'clock M. of the first day of January in each year, *save and except that motor vehicles held for sale in the stock of any duly licensed motor vehicle dealer, shall be assessed as merchandise to such licensed dealer by whom the same were owned or claimed, or in whose possession or control the same were held at twelve o'clock M. of the first Monday of March in each year, and at the time such motor vehicles are assessed as merchandise each licensed dealer shall file with the assessor a description of each motor vehicle so assessed, including the make, year model, engine and serial number, manufacturer's model or letter, gross weight, and, with respect to trucks, the rated capacity thereof.*

Dealer's vehicles assessed as stock.

"Nothing herein contained shall relieve the applicant for registration or re-registration of any motor vehicle so assessed or subject to assessment of the duty of paying taxes thereon as a condition precedent to registration or re-registration in the event said taxes have not been paid by any prior applicant or owner in all cases where required to be paid."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 257

An Act to Amend Sections 46-2303, 46-2305, and 46-2320, Revised Codes of Montana, 1947, Relating Respectively to Membership of Commission; Compensation of the Secretary; the Manner by Which Temporary Grazing Privileges May be Issued Within a State District and Amending Section 46-2326, Revised Codes of Montana, 1947,

HeinOnline -- 1955 588 1955

Relating to Livestock Running at Large or in Herd Without Permit Within Cooperative State Grazing Districts; Defining a Legal Pound in Such Cases; Making the Rescue of Livestock From Such Pound an Offense; Providing a Penalty Therefor; Providing for Injunctive Relief and Providing a Savings Clause and a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 46-2303 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"46-2303. **Montana Grass Conservation Commission — Membership and Terms.** There is hereby created the Montana grass conservation commission of the State of Montana which commission shall be composed of five (5) members with the powers and duties specified in this act. Such members shall be appointed by the governor of the state and approved by the senate for four-year terms or until their successors are appointed and qualified; provided, however, three (3) members of the first five (5) appointed after the passage and approval of this act shall serve for terms as follows: One (1) for a one-year term and one (1) for a two-year term and one (1) for a three-year term; at the expiration of these terms all subsequent appointments except those filling vacancies in unexpired terms, shall be for four (4) years. All regular terms of such members shall begin on April first. The governor, giving full consideration to representation to large and small operators, shall appoint one (1) representative member and livestock operator who is either an officer or a *permittee member* of an organized state grazing district, from each of the following groups: Montana grass conservation commission. Membership. Terms.

(1) One (1) member from the Montana Stockgrowers' Association; Representation.

(2) One (1) member from the Montana Woolgrowers' Association;

(3) One (1) member from the County Commissioners' Association;

(4) One (1) member from one (1) of the cooperative state grazing districts, and the fifth member to be a person

HeinOnline -- 1955 589 1955

representing the general public familiar with the livestock industry. If a vacancy occurs on the commission the governor shall, within thirty (30) days, fill such vacancy for the unexpired term from the group from which said vacancy shall occur. Expired terms shall be filled by appointment from the group to which the retiring member belonged.

Amending clause.

Section 2. That section 46-2305 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Secretary—compensation.

"46-2305. **Secretary — Compensation.** The commission shall select and appoint a secretary *at a salary of not to exceed five hundred dollars ($500.00) per month. The* secretary shall be the executive officer of the commission and shall be controlled and directed by the rules and regulations established by the commission from time to time and applicable to the duties of his office. The commission shall fix the salary of the secretary."

Amending clause.

Section 3. That section 46-2320 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Distribution of grazing preferences.

"46-2320. **Distribution of Grazing Preferences.** When a state district is organized, grazing preferences shall be distributed in the following manner: Any member of a state district owning or controlling dependent commensurate property as heretofore defined may be given a grazing preference. If the carrying capacity of the range exceeds the reasonable needs of the members owning or controlling dependent commensurate property, members owning or controlling commensurate property shall have the preference. If the carrying capacity of the range exceeds the reasonable needs of the members owning or controlling dependent commensurate property or commensurate property, temporary grazing permits may be issued to non-

Basis for preference.

members or members, preferring those that have used the range for any three (3) or any two (2) consecutive years in the five-year period immediately preceding June 28, 1934; or in the case of districts organized after March 15, 1945, preferring those that have used the range five (5) years immediately preceding the organization of such districts. When such temporary permit is utilized by a permittee in connection with forage-producing lands owned or controlled by such permittee within or near the district

HeinOnline -- 1955 590 1955

for a period of any combination of four (4) years out of five (5), then the forage-producing lands owned or controlled by such permittee may be considered dependent commensurate property, and upon application, the district may accordingly grant such permittee membership and preference in the district providing an application had been made for temporary rights for each of the five (5) years. Provided, however, such temporary permits shall at all times be merely privileges granted from year to year, and their possession shall in no event establish a preference right unless such preference right be expressly granted by the district and in the manner herein provided.

Reduction, procedure.

"If reduction in grazing privileges become necessary, operators with temporary permits will be reduced first on a proportionate basis. When the extent of reduction of privileges exceeds that of temporary permits, then the rights of operators with both dependent commensurate property and commensurate property shall be reduced together on a proportionate basis."

Amending clause.

Section 4. That section 46-2326 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Permit required to run livestock at large.

"46-2326. **Running Livestock at Large or in Herd Without Permit Forbidden — Liability of Owner — Penalty — Procedure — Release to Owner.** (1) No owner or person in control of livestock shall permit the same to run at large, or under herd, within the exterior boundaries of any state district, unless the owner or person in control of such livestock shall first obtain a grazing permit for same from such state district; and the owner or person in control of such livestock running at large, or under herd, within a state district, without a permit from the district, or in excess of such permit, shall be liable for all damages sustained thereby by any member, permittee or state district. If any such livestock wrongfully enters upon premises within such district, the owner or person in control of such trespassing livestock, who willfully or negligently permits same to run at large within the district, without first obtaining a permit therefor from the district, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not less than ten dollars ($10.00), nor more than five hundred dollars ($500.00), and in addition to said

Penalty.

HeinOnline -- 1955 591 1955

punishment, shall be liable for all damages sustained thereby to the party entitled thereto; provided that this provision shall not require any person to obtain a grazing permit to graze livestock upon land owned or controlled by him within such state district, if the stock so grazed is restrained from running at large within such state district and from grazing upon any other lands within the state district.

Seizure by district.

"(2) The state district or its duly authorized agent controlling the land upon which such wrongful entry is made by trespassing livestock, may take into its possession such livestock and shall reasonably care for same while in its possession and may retain possession of said livestock and have a lien and claim thereon as security for payment of such damages and reasonable charges for the care of said livestock while in its possession. The state district taking up such livestock shall, within seventy-two (72) hours after taking possession thereof, notify said owner, owners, or person in charge thereof, by a notice in writing, describing said livestock by number of animals and brands thereon, if any, the amount of damages claimed to date, and the charge per animal unit per day for caring for and feeding the same thereafter, such charges not to exceed fifty cents (50¢) per animal unit per day, and describing by general description, the location of the premises upon which said livestock is held, and requiring such owner or owners, within ten (10) days after receiving said notice, to take said livestock away after making full payment of all damages and costs of said livestock.

Notice.

Where damage disputed—procedure.

"(3) In case the parties do not agree as to the amount of damages, the state district taking up such livestock, may, at the expense of the owner, retain a sufficient amount of such livestock to cover the amount of damages claimed by the state district. Provided, however, that the owner may, upon furnishing a good and sufficient bond, conditioned for the payment to the state district of all sums, including costs that may be recovered by said state district in a civil action to foreclose its lien, have returned to him all livestock held as aforesaid, and said state district shall be liable to such owner for any loss or injury to said livestock accruing through the state district's lack of reasonable care. If the state district taking up livestock shall fail to recover in a civil action a sum equal to that offered to the state

Bond for return of stock.

HeinOnline -- 1955 592 1955

district by the owner of the livestock, the former shall bear the expense of keeping and feeding same while in its possession. Such notice may be given by personal service on the said owner, owners or person in charge thereof, or by leaving said notice at his usual place of residence with some member of his family over the age of fourteen (14) years, or by sending said notice by prepaid registered mail, addressed to his last known place of residence. Said service by registered mail shall be deemed complete upon the deposit of said notice in the post office.

Service of notice.

"(4) Upon demand, the state district or its authorized agent controlling the land, or party in charge of such livestock, shall release and deliver possession of such livestock to the owner or person entitled thereto, upon payment of damages and charges; but said payment of damages and charges shall not act as a bar to the prosecution of said person, owner or persons in control of such livestock, as hereinbefore provided. If the amount of damages or costs demanded by the party taking up such livestock is in excess of the actual damage and actual costs, the owner or person in charge of such livestock, may pay same under protest and thereafter sue to recover the amount paid in excess of the actual damages and reasonable costs, provided suit to recover same is filed in the district court within sixty (60) days after payment.

Return of livestock upon payment of damages.

"(5) If after due diligence to discover the owner or possessor of such livestock, such owner or possessor can not be found, or the ownership of such livestock discovered, the state district taking up such livestock, or said owner or claimant shall refuse to pay the amount of damages or charges, or furnish bonds therefor, as herein provided, the party taking up such livestock shall, within ten (10) days from the time that said livestock was taken up, deliver to the sheriff or a constable of the county in which the livestock was taken up, a statement containing the information required to be given in the notice, hereinbefore set out, and in addition thereto, he shall mail, by prepaid registered mail, a copy of said statement addressed to the nearest state livestock inspector. Upon receipt of such statement, the sheriff or constable shall proceed to advertise and sell, at public auction, the livestock so taken up.

Where owner not found.

Notice—procedure.

Sale.

"(6) Such livestock shall be sold on five (5) days' notice posted at the courthouse of each county in which

Sale notice posting.

HeinOnline -- 1955 593 1955

any portion of the district lies and posted in three (3) public places in such county, one of which shall be within the district. Provided, however, that such sheriff may require from the state district a good and sufficient bond, conditioned that the state district has used reasonable diligence to discover the owner of such stock and to notify him in the premises and that all requirements of law on the part of the state district to be performed in the premises have been performed and indemnifying the sheriff against all liability for the sale of said livestock except as to his own failure to perform the things required of him by law.

District bond may be required.

"(7) The proceeds of the sale shall, by the sheriff, after first deducting his costs and expenses, be applied to the discharge of the claims and the costs of the proceedings in selling the property and to the payment of the damages, claims and costs of the party taking up such livestock, and the remainder, if any, may be paid over to the owner of such livestock, if known, and if the owner is not known, then such remainder shall be deposited with the county treasurer, who shall keep the same in a public fund to be designated state grazing district fund (giving the name of the district). A separate fund, styled as above, shall be kept by the county treasurer for each of said districts within his county. The county treasurer shall make a record of the number and type of animals sold and the brands on same, if any, the amount received for same and the amount of deductions, which record shall be open to public inspection; and any person making claim to the board of county commissioners at any time within one (1) year from date of sale, of ownership of such livestock and submitting proof of ownership to such board, with such claim to the satisfaction of such board, shall be entitled to receive such excess received from the sale of such livestock. Any money received from the sale of any such livestock, which shall not be so claimed within one (1) year after such sale, shall, at the expiration of said period, be transferred to the general fund of the county.

Disposition of proceeds.

"Grazing district fund" created.

Refund limitation—one year.

"(8) No officer, board or employee of any county or of any state district, nor any employee of such officer or board shall be liable for any act performed in good faith in discharging official duties under this act; and all such acts shall be presumed to have been in good faith and in conformity with this act.

Presumption of official good faith.

HeinOnline -- 1955 594 1955

"(9) The state district, or the party taking up such trespassing livestock, may cause same to be impounded at any suitable place within the state district, or within five (5) miles from the exterior boundaries thereof, and such livestock shall be deemed legally impounded if placed in a corral or upon land enclosed by a *legal* fence or placed in charge of a herder or herders. Impounding trespassing livestock.

"(10) *Any person taking or rescuing from the possession of a state grazing district or an agent thereof any animal taken up and impounded pursuant to this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding two hundred dollars ($200.00).* Taking from impoundment—penalty.

"(*11*) Regarding fences within the external boundaries of state districts; the cost of construction and maintenance of fence-enclosing lands controlled by any member, non-member or state district within the external boundaries of such state district, shall be borne by such member, non-member or state district, unless otherwise provided for in the duly approved bylaws of such state district. Cost of fencing in district.

"(*12*) In the event of the adoption of provisions to the bylaws of a state district whereby the cost of construction and maintenance of fence is to be distributed proportionately among the parties affected by such cost of construction and maintenance of fence, the state district's proportionate share of such costs and maintenance shall be financed only by assessments levied by the state district against the permittee members of the district upon consent thereto by fifty-five percentum (55%) of such permittee members." Where fencing cost apportioned—limitation.

(13) Nothing contained herein shall be so construed as to restrict the right of parties to obtain injunctive relief from a court of competent jurisdiction. Injunctive relief preserved.

Section 5. That all acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 6. If a part of this act is invalid, all valid parts that are severable from the invalid parts remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. Severability clause.

Approved March 10, 1955.

HeinOnline -- 1955 595 1955

CHAPTER 258

An Act to Amend Section 1, Chapter 219, Laws of 1951, as Amended by Section 1, Chapter 139, Laws of 1953, Relating to a Fee on Trucks, Trailers, Semitrailers, House Trailers and Busses Operating Over and Upon the Highways of the State of Montana; Providing for Certain Exemptions and Providing for the Rate of Such Tax by Increasing the Rate of Tax on Trucks, Tractors and Semitrailers; by Deleting the Class A Fee on Trucks, Trailers and Semitrailers Which Travel More Than Twenty-four Thousand (24,000) Miles on the Highways of the State of Montana Within the Calendar Year; Providing for an Additional Fee of Fifty Dollars ($50.00) for Each Two Thousand (2,000) Pounds, or Fraction Thereof, on Trucks, Trailers and Semitrailers Hauling in Excess of Forty-two Thousand (42,000) Pounds; Providing for Quarterly License on Any Vehicle Exceeding Twenty-four Thousand (24,000) Pounds and Providing for a Penalty on Vehicles Which Are in Violation of the Quarterly License Provision; Providing for the Effective Date of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 1, chapter 219, laws of 1951, as amended by section 1, chapter 139, laws of 1953, be, and the same is hereby amended to read as follows:

Gross weight fee for trucks, truck tractors.

"Section 1. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each motor truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his application, the following fees:

Schedule I:

Schedule.

Up to 6,000 lbs.	$ 6.00
6,001 lbs. or more, and less than 8,000 lbs.	$ 10.00
8,001 lbs. or more, and less than 10,000 lbs.	$ 14.00
10,001 lbs. or more, and less than 12,000 lbs.	$ 16.00
12,001 lbs. or more, and less than 14,000 lbs.	$ 18.00
14,001 lbs. or more, and less than 16,000 lbs.	$ 22.00
16,001 lbs. or more, and less than 18,000 lbs.	$ 30.00
18,001 lbs. or more, and less than 20,000 lbs.	$ 40 00
20,001 lbs. or more, and less than 22,000 lbs.	$ 50.00

HeinOnline -- 1955 596 1955

22,001 lbs. or more, and less than 24,000 lbs.	$ 75.00
24,001 lbs. or more, and less than 26,000 lbs.	$100.00
26,001 lbs. or more, and less than 28,000 lbs.	$125.00
28,001 lbs. or more, and less than 30,000 lbs.	$165.00
30,001 lbs. or more, and less than 32,000 lbs.	$210.00
32,001 lbs. or more, and less than 34,000 lbs.	$255.00
34,001 lbs. or more, and less than 36,000 lbs.	$300.00
36,001 lbs. or more, and less than 38,000 lbs.	$345.00
38,001 lbs. or more, and less than 40,000 lbs.	$390.00
40,001 lbs. or more, and less than 42,000 lbs.	$435.00

Fee for tractor, semi-trailers.

"In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight described above, and as set by the licensee in his application except as otherwise provided in this act the following fee:

Schedule II:

Schedule.

Trailers other than house trailers.

Up to 2,500 lbs. for personal use	Exempt
Up to 2,500 lbs. for commercial use	$ 3.50
2,501 lbs. or more, and less than 6,000 lbs.	$ 4.50
6,001 lbs. or more, and less than 8,000 lbs.	$ 12.00
8,001 lbs. or more, and less than 10,000 lbs.	$ 14.00
10,001 lbs. or more, and less than 12,000 lbs.	$ 16.00
12,001 lbs. or more, and less than 14,000 lbs.	$ 18.00
14,001 lbs. or more, and less than 16,000 lbs.	$ 22.00
16,001 lbs. or more, and less than 18,000 lbs.	$ 30.00
18,001 lbs. or more, and less than 20,000 lbs.	$ 40.00
20,001 lbs. or more, and less than 22,000 lbs.	$ 50.00
22,001 lbs. or more, and less than 24,000 lbs.	$ 75.00
24,001 lbs. or more, and less than 26,000 lbs.	$100.00
26,001 lbs. or more, and less than 28,000 lbs.	$125.00
28,001 lbs. or more, and less than 30,000 lbs.	$165.00
30,001 lbs. or more, and less than 32,000 lbs.	$210.00
32,001 lbs. or more, and less than 34,000 lbs.	$255.00
34,001 lbs. or more, and less than 36,000 lbs.	$300.00
36,001 lbs. or more, and less than 38,000 lbs.	$345.00
38,001 lbs. or more, and less than 40,000 lbs.	$390.00
40,001 lbs. or more, and less than 42,000 lbs.	$435.00

"In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each house trailer, based upon over-all length of body as set by the

HeinOnline -- 1955 597 1955

licensee in his application, except as otherwise provided in this act, a fee equal to fifty cents (50¢) for each foot of over-all trailer body length, exclusive of bumpers and hitch.

Legal excess weight fees.

Provided, that in addition to the fees provided for in schedules I and II of this act, for each motor truck, truck tractor, trailer, or semitrailer hauling loads in excess of forty-two thousand (42,000) pounds and within the weight limits specified in section 32-1123, Revised Codes of Montana, 1947, as amended by section 1, chapter 73, laws of 1953, and all other amendments thereto, there shall be collected a fee of fifty dollars ($50.00) for each two thousand (2,000) pounds, or fraction thereof.

Alternative fee for certain vehicles.

"Provided, that in lieu of the additional fee provided in this section there shall be collected a fee of five dollars ($5.00) on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house or bunk house attached to or made a part of such motor truck, trailer or semitrailer.

Ranch or farm vehicles.

"Provided further, on motor trucks, trailers and semitrailers, owned and operated by ranchers or farmers in the transportation of their own ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities, or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy, except motor trucks owned and operated by cooperative associations or cooperative marketing associations, shall be paid and collected annually a fee equal to twenty percent (20%) of the fees provided in schedule I and schedule II above; provided, however, the minimum fee under schedule I *and schedule II* shall be four dollars ($4.00). The terms 'trailers and semitrailers' as used herein shall not include farm wagons.

75% fee for certain vehicles.

"Provided further, that there shall be paid and collected annually a fee equal to seventy-five per cent (75%) of the fees provided in schedule I and schedule II above on motor trucks, trailers and semitrailers, used exclusively in hauling livestock, logs, ready-mix concrete and pole trailers and on 'low-boy trailers,' used exclusively for the hauling

HeinOnline -- 1955 598 1955

of equipment and on tractors permanently attached to such 'low-boy trailers.'

Quarterly fees may be paid.

When the gross weight license fee applied for on any vehicle exceeds twenty-four thousand (24,000) pounds, licenses for motor trucks, trailers, tractors, pole trailers, or semitrailers may be purchased for a three-months' period for one-fourth (¼) the regular fee at the beginning of any quarter of the calendar year. For each fee so paid other than at the time of payment of the basic license fee, an additional fee of one dollar ($1.00) shall be charged. The state highway commission is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia, which shall state the quarters for which the vehicle is licensed.

Operation after expiration of quarter.

10-day grace period

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner and/or operator thereof within ten (10) days after the expiration of any such three-month period apply for, and pay the required fee for, a license for an additional three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said ten (10) days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five (5) days thereafter, no license for a full year has been purchased as required aforesaid, the Montana highway patrol, county sheriff or city police shall impound such vehicle in such manner as may be directed for such cases by the supervisor of the Montana highway patrol, until such requirement is met.

Penalty.

Busses, auto stages.

"Provided further, that there shall be paid and collected annually for each bus or auto stage with the exception of school busses the sum of seven dollars ($7.00) per seat exclusive of the first seven (7) seats and the operator, for the maximum adult seating capacity thereof; provided further, that motor vehicles which are regularly used to haul freight and passengers shall be taxed upon the basis of the gross weight schedule hereinabove established; provided further, that school busses shall not be exempt if they enter charter service."

HeinOnline -- 1955 599 1955

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective Jan. 1, 1956.

Section 3. This act shall be in full force and effect from and after January 1, 1956.

Approved March 10, 1955.

CHAPTER 259

An Act Relating to and Providing for the Acquisition by a Natural Gas Public Utility Through the Exercise of the Right of Eminent Domain of Sands, Strata and Formations in Land for Use as Underground Gas Storage Reservoirs and Other Property for Use in Connection Therewith, and to Amend Sections 93-9902, 93-9903, 93-9908 and 93-9911 of the Revised Codes of Montana of 1947, as Amended by the Session Laws of Montana, 1953, Chapter 245, Sections 1, 2, 3 and 4, Respectively, and to Amend Section 93-9909 of the Revised Codes of Montana of 1947, All Relating to the Right of Eminent Domain, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Terms defined.

"Underground reservoir."

"Natural gas."

"Native gas."

"Natural gas public utility."

"Commission."

"Underground storage."

Section 1. **Definitions.** As used in this act (a) "underground reservoir" shall mean any subsurface sand, stratum or formation of the earth suitable for the injection and storage of natural gas therein and the withdrawal of natural gas therefrom; (b) "natural gas" shall mean gas either while in its original state or after the same has been processed by removal therefrom of component parts not essential to its use for light and fuel; (c) "native gas" shall mean gas which has not been previously withdrawn from the earth; (d) "natural gas public utility" shall mean any person, firm or corporation authorized to do business in this state and engaged in the business of transporting or distributing natural gas by means of pipelines into, within or through this state for ultimate public use; (e) "commission" shall mean the oil and gas conservation commission of the State of Montana; (f) "underground storage" shall means the process of injecting and storing of natural gas within and withdrawing of natural gas from an underground reservoir.

HeinOnline -- 1955 600 1955

Underground storage may be in public interest.

Section 2. **Underground Storage.** The underground storage of natural gas which promotes conservation thereof, which permits the building of reserves for orderly withdrawal in periods of peak demand, which makes more readily available natural gas to the domestic, commercial and industrial consumers of this state, or which provides a better year-round market to the various gas fields, serves the public interest and welfare of this state.

Therefore, in the manner hereinafter provided the commission and the court may find and determine that the underground storage of natural gas as hereinbefore defined is in the public interest.

Eminent domain— for storage, other interests.

Section 3. **Eminent Domain — Use and Limitations.** Any natural gas public utility may acquire through the exercise of the right of eminent domain as hereinafter provided for its use for the underground storage of natural gas any underground reservoir which the commission shall have found to be suitable and in the public interest for the underground storage of natural gas, and in connection therewith may acquire such other interests in property as may be required adequately to maintain and operate such underground reservoir facilities; provided, however, that the acquisition by the exercise of the right of eminent domain of underground reservoirs granted hereby, shall be limited as follows:

Limitations.

(a) No sand, formation, or stratum which is producing or has produced, or which is capable of producing oil, shall be subject to appropriation hereunder.

(b) No gas bearing sand, formation, or stratum shall be subject to appropriation hereunder, unless the recoverable volumes of native gas therein have all been produced or unless such sand, formation or stratum has a greater value or utility as an underground reservoir for the purpose of insuring an adequate supply of natural gas for domestic, commercial, or industrial consumers of natural gas, or for the conservation of natural gas, than for the production of the remaining relatively small volumes of native gas as compared with the original volumes of natural gas therein, provided that no gas, sand, formation or stratum shall be acquired under the terms of this act when the gas in the underground reservoir is being used for the secondary recovery of oil unless gas in necessary and required amounts

HeinOnline -- 1955 601 1955

is furnished to the operator or operators of the secondary recovery operations for as long as oil is produced in paying quantities in the secondary operations for the recovery of oil at the same cost as the cost to it or them at the time of acquisition of the gas being used in such secondary operations, not exceeding, however, the quantity of the appropriated gas that remained recoverable from such sand, formation or stratum at the time of its acquisition, if such operator was or such operators were at such time entitled to the whole thereof, or if it was or they were at such time entitled to less than the whole thereof, then not to exceed the quantity thereof to which such operator was or operators were then entitled.

(c) Only such area of such underground sand, formation or stratum as may reasonably be expected to be penetrated by gas displaced or injected into such underground gas storage reservoir may be appropriated hereunder.

(d) No rights or interests in existing underground gas reservoirs, being used for the injection, storage or withdrawal of natural gas, owned or operated by a natural gas public utility as defined in this act other than the natural gas public utility seeking to acquire the same, shall be subject to appropriation hereunder.

The exercise of the right of eminent domain hereby granted shall be without prejudice to the rights of the owner of said lands or of other rights or interests therein to drill or bore into or through the underground reservoir so appropriated in such manner as shall comply with orders, rules and regulations of the commission issued for the purpose of protecting underground reservoir against pollution and against the escape of natural gas therefrom and shall be without prejudice to the rights of the owner of said lands or other rights or interests therein as to all other uses thereof. The additional cost of complying with such regulations or orders in order to protect the storage reservoir shall be paid by the natural gas public utility.

Commission certificate.

Section 4. **Certificate of Commission — Publication.** Any natural gas public utility desiring to exercise the right of eminent domain as to any property for use for underground storage of natural gas shall, as a condition precedent to the filing of its complaint in the district court, apply for and obtain from the commission a certificate

HeinOnline -- 1955 602 1955

setting out findings of said commission (a) that the underground sand, stratum or formation sought to be acquired is suitable for an underground reservoir for the storage of natural gas and that its use for such purposes is in the public interest; (b) the amount of native gas, if any, remaining therein and the portion thereof recoverable; (c) and that the applicant has in good faith sought to acquire the rights sought hereunder; provided, that the commission shall issue no such certificate until after public hearing is had on the application, pursuant to notice given to all persons known to have an interest in the property proposed to be acquired in the manner provided by the laws of the State of Montana for service of process in a civil action as set forth in chapter 30, title 93, Revised Codes of Montana of 1947, as amended, and the executive secretary of the commission shall for such purposes be vested with the same powers and charged with the same duties as the clerk of the district court has under said chapter.

Contents.

Public hearing.

Notice.

Section 5. **Proceedings.** Any natural gas public utility having first obtained a certificate from the commission as hereinbefore provided, desiring to exercise the right of eminent domain for the purpose of acquiring property for the underground storage of natural gas shall do so in the manner hereinafter provided. Such natural gas public utility shall present to the district court of the county wherein the land is situated, or to the judge thereof a complaint setting forth the purpose for which the said property is sought to be acquired, a description of the property sought to be appropriated and the names of the owners thereof as shown by the records of such county. The plaintiff shall file the certificate of the commission as a part of its complaint and no order by the court granting said complaint shall be entered without such certificate being filed therewith, and subsequent proceedings shall follow the procedure provided by law in the exercise of the rights of eminent domain, sections 93-9901, et seq. Revised Codes of Montana of 1947, as amended.

Exercise of eminent domain—procedure.

Section 6. That section 93-9902 of the Revised Codes of Montana of 1947, as amended by the session laws of Montana, 1953, chapter 245, section 1, be, and the same is hereby amended to read as follows:

Amending clause.

"93-9902. **What Are Public Uses.** Subject to the pro-

Enumerating policies.

HeinOnline -- 1955 603 1955

visions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the government of the United States.

2. Public buildings and grounds for the use of the state, and all other public uses authorized by the legislative assembly of the state.

3. Public buildings and grounds for the use of any county, city, or town, or school districts; canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any county, city, or town; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any county, city, or town, or the inhabitants thereof, which may be authorized by the legislative assembly; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes or ordinances by which the same may be authorized.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, of all kinds, private roads, plank and turnpike roads, railroads, canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mines, mills, and smelters for the reduction of ores and farming neighborhoods with water, and drainage and reclaiming lands, and for floating logs and lumber on streams not navigable, and sites for reservoirs, necessary for collecting and storing water.

5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines, mills, or smelters for the reduction of ores; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills and smelters for the reduction of ores, also an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores, and sites for reservoirs necessary for collecting and storing water.

6. Private roads leading from highways to residences or farms.

HeinOnline -- 1955 604 1955

7. Telephone or electric light lines.

8. Telegraph lines.

9. Sewerage of any city, county, or town, or any subdivision thereof, whether incorporated or unincorporated, or of any settlement consisting of not less than ten (10) families, or of any public buildings belonging to the state, or to any college or university.

10. Tramway lines.

11. Electric power lines.

12. Logging railways.

13. Temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads, or highways, for such time as the court or judge may determine; provided, the grounds of state institutions be excepted.

14. Underground reservoirs suitable for storage of natural gas."

Amending clause.

Section 7. That section 93-9903 of the Revised Codes of Montana of 1947, as amended by the session laws of Montana, 1953, chapter 245, section 2, be, and the same is hereby amended to read as follows:

Estates acquired by condemnation.

"93-9903. **What Estates in Land May be Acquired by Condemnation.** The following is a classification of the estates and rights in lands subject to be taken for the public use:

Estates or rights necessary for enumerated purposes.

1. Such estate or rights as may be necessary up to and including a fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs or dams and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine, *or for the underground storage of natural gas by a natural gas public utility as defined in this act. When the appropriation is for the underground storage of natural gas, all of the right, title, interest and estate in the real property and in the subsand stratum, formation or reservoir so appropriated shall be determinable and for all purposes terminate upon abandonment or upon cessation for the period of one year of the use for which the same was appropriated and thereupon, the ownership of the*

Underground gas storage—limitations, abandonment.

HeinOnline -- 1955 605 1955

residue of natural gas therein remaining shall likewise vest in the then owners of such reservoir space.

Easements.

2. An easement, when taken for any other use.

Right of entry.

3. The right of entry upon and occupation of land, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use."

Amending clause.

Section 8. That section 93-9908 of the Revised Codes of Montana of 1947, as amended by the session laws of Montana, 1953, chapter 245, section 3, be, and the same is hereby amended to read as follows:

Contents of complaint.

"93-9908. **The Complaint and Its Contents.** The complaint must contain:

1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be styled plaintiff.

2. The names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

3. A statement of the right of plaintiff.

4. If a right-of-way is sought, the complaint must show the location, general route, and termini, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.

5. A description of each piece of land sought to be taken, and whether the same includes the whole or only a part of the entire parcel or tract. All parcels lying in the county, and required for the same public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties. When application for the condemnation of a right-of-way for the purposes of sewerage is made on behalf of a settlement, or town, or a county, the county commissioners of the county may be named as plaintiff.

6. If a sand, stratum or formation suitable for use as an underground natural gas storage reservoir is sought to be appropriated, a description thereof and of the land in which it is alleged to be contained, and a description of all other property and rights sought to be appropriated for use in

HeinOnline -- 1955 606 1955

connection with the appropriation of the right to store natural gas in and withdraw natural gas from such reservoir. In addition, the complaint shall state facts showing that the underground reservoir is one subject to appropriation by plaintiff; also stating that the underground storage of natural gas in the land sought to be appropriated is in the public interest; that the underground reservoir is suitable and practicable for natural gas storage; that the plaintiff in good faith has been unable to acquire the rights sought to be appropriated hereunder and a statement that the rights and property sought to be appropriated are not prohibited by law; and in addition, the complaint must be accompanied by a certificate from the state oil and gas conservation commission *as set forth in section 4 of this act.*''

Amending clause.

Section 9. That section 93-9909 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Contents of summons.

''93-9909. **Summons, What to Contain — How Issued and Served.** The clerk must issue a summons, which must contain the names of the parties, a description of the lands *and other property* proposed to be taken, a statement of the public use for which it is sought, and a notice to the defendants to appear before the court or judge, at a time and place therein specified, and show cause why the property described should not be condemned as prayed for in the complaint. Such summons must, in other particulars, be in form of a summons in a civil action, and must be served in like manner upon each defendant named therein, at least ten (10) days previous to the time designated in such notice for the hearing, and no copy of the complaint need be served. But the failure to make such service upon a defendant does not affect the right to proceed against any or all other of the defendants, upon whom service of summons had been made.''

Notice.

Service.

Amending clause.

Section 10. That section 93-9911 of the Revised Codes of Montana of 1947, as amended by the session laws of Montana, 1953, chapter 245, section 4, be, and the same is hereby amended to read as follows:

Power of court.

''93-9911. **Power of Court to Appoint Commissioners, etc.** The court or judge has power:

HeinOnline -- 1955 607 1955

1. To regulate and determine the place and manner of making the connections and crossings, and enjoying the common uses mentioned in subdivision 5, section 93-9904, and of the occupying of canyons, passes, and defiles for railroad purposes, as permitted and regulated by the laws of this state or of the United States;

2. To determine whether or not the use for which the property is sought to be appropriated is a public use, within the meaning of the laws of this state;

3. To limit the amount of property sought to be appropriated, if in the opinion of the court or judge the quantity sought to be appropriated is not necessary;

Appointment of commissioners.

4. If the court or judge is satisfied that the public interests require the taking of such lands, it or he must make an order appointing three (3) competent persons, resident in said county, commissioners to ascertain and determine the amount to be paid by the plaintiff to each owner, or other person interested in such property, as damages, by reason of the appropriation of such property, and specify the time and place of the first meeting of such commissioners, and fixing their compensation. Any party may object to the appointment of any person as a commissioner on the same grounds that he might object to him as a trial juror.

5. If the property sought to be appropriated is a sand, stratum or formation suitable for use as an underground natural gas storage reservoir and the existence and suitability of it for such use has been proved by plaintiff upon substantial evidence, the order of the court or judge shall direct the commissioners so appointed to ascertain and determine the amount to be paid by the plaintiff to each person *for his interest* in the property sought to be appropriated for use as such underground natural gas storage reservoir, *and/or as the annual rental for the use of such underground gas storage reservoir and for the use of so much of the surface as is required in the operation of the said underground gas storage reservoir,* and for use in connection with the creation, operation and maintenance thereof, *and for all the native gas contained in said reservoir* as compensation and damages by reason of the appropriation of such property; *provided, however, the*

HeinOnline -- 1955 608 1955

amount to be paid for such native gas and all thereof shall be no less than the market value of such gas.

Appointees to assist commissioners.

"The court shall appoint three (3) persons, qualified as experts and recommended as such by the oil and gas conservation commission of the State of Montana, to assist and advise the commissioners in determining the compensation and damages to be paid by plaintiff to each person *for his interest* in the property sought to be appropriated and the fees and expenses of such persons shall be chargeable as costs of the proceedings to be paid by the plaintiff."

Severability clause.

Section 11. **Constitutionality.** If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Repealing clause.

Section 12. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 260

An Act to Amend Sections 84-4905, 84-4906, 84-4907, as Amended, 84-4908, as Amended, 84-4911, 84-4912, 84-4913, 84-4914, as Amended, 84-4915, 84-4917, Revised Codes of Montana, 1947, All Relating to State Individual Income Taxes; and Adding Sections 84-4938, 84-4939, 84-4940, 84-4941; Providing for Filing of Copy of Taxpayers' Federal Income Tax Return When Requested by the State Board of Equalization; Providing for Declaration and Payment of Estimated Tax; Providing a Saving Clause; and Repealing Sections 84-4916, 84-4918, 84-4933, 84-4934, 84-4935 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-4905 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 609 1955

"Adjusted gross income defined."

"84-4905. (2295.5) *Adjusted Gross Income. Adjusted gross income shall be the taxpayer's adjusted gross income as defined in section 62 of the internal revenue code of 1954 or as that section shall be labeled or amended and in addition includes interest on all state, county, and municipal bonds, but does not include the following which are exempt from taxation under this act:*

(a) Interest on United States obligations.

(b) Dividends received from stock held in national banks when such banks have their situs in Montana."

Amending clause.

Section 2. That section 84-4906 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Deductions allowed.

"84-4906. (2295.6) *Deductions Allowed in Computing* Net Income. *In computing net income, there shall be allowed as deductions:*

(a) *The items referred to in sections 161 and 211 of the internal revenue code of 1954, or as sections 161 and 211 shall be labeled or amended, except that state income tax paid shall not be deductible and also subject to the exceptions provided in section 84-4909, relating to items not deductible.*

(b) *Federal income tax paid within the taxable year."*

Amending clause.

Section 3. That section 84-4907 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Non-resident taxpayers: "adjusted gross income."

"84-4907. (2295.7) *Nonresident Taxpayers. In the case of a taxpayer other than a resident of this state, adjusted gross income includes only the adjusted gross income from sources within this state, but shall not include annuities, interest on bank deposits, interest on bonds, notes or other interest-bearing obligations, or dividends on stock of corporations; except to the extent that such annuities, bank deposits, bonds, notes or other obligations or stocks shall be a part of income from any business, trade, profession or occupation carried on in this state."*

Deductions allowed.

In the case of a taxpayer other than a resident of this state, the deductions allowed in computing net income shall be allowed only if and to the extent that they are connected with income arising from sources within the state, and with

HeinOnline -- 1955 610 1955

reference to which a nonresident taxpayer is taxable under this act; and the proper apportionment and allocation of the deductions with respect to sources of income within and without this state shall be determined under rules and regulations to be prescribed by the state board of equalization.

Amending clause.

Section 4. That section 84-4908 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Alternative deduction allowed.

"84-4908. (2295.8) *Alternative Deduction Allowed in Computing Net Income. In the case of a resident individual, a standard deduction equal to ten per cent (10%) of adjusted gross income, prior to the allowance of deductions provided for in section 84-4906, shall be allowed if elected by the taxpayer on his return and such deduction shall be in lieu of the deductions provided for in the above-referred section 84-4906.*

Maximums.

The maximum standard deduction shall be five hundred dollars ($500.00) except in the case of a single joint return of husband and wife the maximum standard deduction shall be one thousand dollars ($1,000.00). The standard deduction shall not be allowed to a husband or wife if the tax of the other spouse is determined on the basis of net income computed without regard to the standard deduction."

Amending clause.

Section 5. That section 84-4911 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Partnership income.

"84-4911. (2295.11) **Income Tax Involving Partnership — Partnership Statements, When Required.** Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity. There shall be included, in computing the net income of each partner, his distributive share, whether distributed or not, of the net income of the partnership for the taxable year, or, if his net income for such taxable year is computed upon the basis of a period different from that upon the basis for which the net income of the partnership is computed, then there shall be included his distributive share of the net income of the partnership for any accounting period of the partnership ending within the fiscal or calendar year upon the basis of which the partner's net income is computed.

Partnership return.

Taxpayers who are members of partnerships may be re-

HeinOnline -- 1955 611 1955

quired by the department to make a return stating the gross receipts and net gains or profits of the partnership for any taxable year. The net income of the partnership shall be computed in the same manner and on the same basis as provided in computing the net income of individuals."

Amending clause.

Section 6. That section 84-4912 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Tax on beneficiaries, fiduciaries of trusts or estates.

Exception.

"84-4912. (2295.12) **Tax on Beneficiaries or Fiduciaries of Estates or Trusts.** (1) A tax shall be imposed upon either the fiduciaries or the beneficiaries of estates and trusts as hereinafter provided, except to the extent such estates and trusts shall be held for educational, charitable or religious purposes, which tax shall be levied, collected and paid annually with respect to the income of estates or of any kind of property held in trust, including:

Income taxable.

(a) Income received by estates of deceased persons during the period of administration or settlement of the estate;

(b) Income accumulated in trust for the benefit of unborn or unascertained persons, or persons with contingent interests;

(c) Income held for future distribution under the terms of the will or trust;

(d) Income which is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a guardian of an infant to be held or distributed as the court may direct; and

(e) Income of an estate during the period of administration or settlement permitted by subdivision three (3) of this section to be deducted from the net income, the tax with reference to which is to be paid by the fiduciary.

Fiduciary responsible for return.

"(2) The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts, whether the fiduciary or the beneficiaries be taxable with reference to the income of such estate or trust. The net income of an estate or trust shall be computed in the same manner and on the same basis as provided in this act for individual taxpayers, except that there shall also be allowed as a deduction any part of the gross income which, pursuant to the terms of the will or deed creating the trust,

Net income computed.

HeinOnline -- 1955 612 1955

is paid to or held for the United States, or any state. territory or any political subdivision thereof, or the District of Columbia; and in cases under paragraphs (d) and (e) of subdivision one (1) of this section, the fiduciary shall include in the return a statement of each beneficiary's distributive share of such net income, whether or not distributed before the close of the taxable year for which the return is made."

When paid by fiduciary.

"(3) In cases under paragraphs (a), (b) and (c) of subdivision one (1) of this section, the tax shall be imposed upon the fiduciary of the estate or trust with respect to the net income of the estate or trust and shall be paid by the fiduciary, except that in determining the net income of the estate of any deceased person during the period of administration or settlement, there may be deducted the amount of any income properly paid or credited to any legatee, heir or other beneficiary. In such cases, the fiduciary of the estate or trust shall be allowed the same exemptions as are allowed to single persons under section 84-4910, and in such cases the fiduciary of any estate or trust created by a person not a resident, or of an estate of a person not a resident shall be subject to a tax only to the extent to which individuals other than residents are liable under section 84-4907.

Exemptions allowed.

Deductions allowed.

"(4) There shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under the next paragraph of this section in the same or any succeeding taxable year.

"In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of

HeinOnline -- 1955 613 1955

the estate or trust the amount of the income of the estate or trust for its taxable year which is properly paid or credited during such year to any legatee, heir or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir or beneficiary.

"If the taxpayer's net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of such estate or trust ending within the fiscal or calendar year shall be computed upon the basis on which such beneficiary's net income is computed. In such cases a beneficiary not a resident shall be taxable with respect to his income derived through such estate or trust only to the extent provided in section 84-4907, for individuals other than residents.

Pension, profit-sharing, trust—fiduciary not taxed.

"(5) The fiduciary of a trust created by an employer as a part of a stock bonus, pension or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer or employees or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under this section, but any amount contributed to such fund by the employer and all earnings of such fund shall be included in computing the income of the distributee in the year in which distributed or made available to him.

When insurance premium taxable.

"(6) Where any part of the income of a trust, other than a testamentary trust, is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified relating to the so-called 'charitable contribution' deduction) or to the payment of premiums upon policies of life insurance under which the grantor is the beneficiary, such part of the income of the trust shall be included in computing the net income of the grantor."

Amending clause.

Section 7. That section 84-4913 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

HeinOnline -- 1955 614 1955

"84-4913. (2295.13) **Information Agents' Duties.** Every information agent shall make return to the *board* of complete information concerning the amount of all interest, rent, salaries, wages, premiums, annuities, dividends, compensations, remunerations, emoluments or other fixed or determinable gains, profits and income, except interest coupons payable to *the* bearer, *upon which no withholding tax has been deducted,* of any person taxable under this act, of *five hundred dollars ($500.00)* or more in any taxable year under such regulations and in such form and manner and to such extent as may be prescribed by the board." Information agents' duties.

Section 8. That section 84-4914 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-4914. (2295.14) **Persons Required to Make Returns — When Deductions Not Allowed Nonresident.** Every person having a net income for the taxable year of one thousand dollars ($1,000.00) or over, if single or if married, and not living with or supporting a husband or wife or family, or of two thousand dollars ($2,000.00) or over if married and living with husband or wife, or if he is the head of a family, or a gross income for the taxable year of twenty-five hundred dollars ($2500.00) or over, regardless of the amount of his net income, shall make a return stating specifically the items of his gross income and the deductions and credits allowed by this act. If a husband and wife living together have an aggregate net income of two thousand five hundred dollars ($2,500.00) or over, or an aggregate gross income for such year of three thousand dollars ($3,000.00) or over, each shall make such a return, or the income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. Persons required to make returns.

"If any such person is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such persons." May be made by agent.

Section 9. That section 84-4915 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-4915. (2295.15) **Effect of Changing Resident Status.** If a taxpayer changes his status from that of resident to Change of status as resident, proportional return.

HeinOnline -- 1955 615 1955

that of nonresident, or from that of nonresident to that of resident, during the taxable year, he shall file *a return* covering the fraction of the year during which he was a resident. The exemptions provided in *section 84-4910 of this act* shall be *prorated* according to time *in this state. A Montana citizen moving out of the state; abandoning his residence in the state and establishing a residence elsewhere, must file a return on the fractional basis. If he obtains employment outside the state, without abandoning his Montana residence then income from such employment is taxable in Montana.*"

Amending clause.

Section 10. That section 84-4917 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Fiduciaries to make returns.

"84-4917. (2295.17) **Return of Fiduciary.** Every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make a return for the individual or estate or trust from whom he acts.

Amending clause.

Fiduciaries required to make returns under this act shall be subject to all the provisions of this act which apply to taxpayers."

Section 11. That chapter 49, title 84, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto, a section to be numbered 84-4938, to read as follows:

Copy of federal return may be required.

84-4938. Furnishing Copy of Federal Return. Every taxpayer shall upon request of the board, furnish a copy of the return for the corresponding year which he has filed or may file with the federal government showing his net income and how obtained and the several sources from which derived. Every taxpayer shall, upon request of the board, furnish a copy of any federal revenue agent's report made upon any audit or adjustment of the federal income tax return. The board shall supply all necessary forms and shall return all such forms to the taxpayer after they have been examined by the board, upon the request of the taxpayer.

Amending clause.

Section 12. That chapter 49, title 84, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto, a section to be numbered 84-4939, to read as follows:

HeinOnline -- 1955 616 1955

Declaration of estimated tax, when required.

84-4939. Declaration of Estimated Tax. (1) Every individual, except farmers, ranchers or stockmen, shall, at the time prescribed in subsection (3) of this section, make a declaration of his estimated tax for the taxable year, if his net income from sources other than wages, salaries, bonus, or other emolument can reasonably be expected to equal or exceed his net income from wages, salaries, bonus or other emolument, which wages, salaries, bonus or other emolument are subject to withholding.

Contents of declaration.

(2) In the declaration required under subsection (1) of this section the individual shall state:

(a) The amount which he estimates as the amount of tax under section 84-4902 of this act for the taxable year;

(b) The amount which he estimates will be withheld from wages paid by his employer if said individual is an employee.

(c) The excess of the amount estimated under subparagraph (a) over the amount estimated under subparagraph (b) which excess for purposes of this section shall be considered the estimated tax for the taxable year.

Time of filing.

(d) Such other information as may be prescribed in rules and regulations promulgated by the board.

(3) The declaration required under subsection (1) of this section shall be filed with the board on or before April fifteenth of the taxable year except that if the requirements of subsection (1) of this section are first met:

(a) After April first and before October first of the taxable year the declaration shall be filed on or before October fifteenth of the taxable year.

(b) After October first of the taxable year the declaration shall be filed on or before February fifteenth of the succeeding taxable year.

Time for 1955 declaration.

Provided that the declaration required to be filed during 1955 may be filed not later than October 15, 1955 if the requirements of subsection (1) of this section are fulfilled at any time prior to October 2, 1955.

Amended declaration.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3) of

HeinOnline -- 1955 617 1955

this section under rules and regulations prescribed by the board.

If file return on or before February 15.

(5) If on or before February fifteenth of the succeeding taxable year, the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on their return as payable then under rules and regulations prescribed by the board.

When return considered declaration.

(a) If the declaration is not required to be filed during the taxable year but is required to be filed on or before such February fifteenth, such return shall for the purposes of this section be considered as such declaration; and

When return considered amended declaration.

(b) If the tax shown on the return is greater than the estimated tax shown in a declaration previously made or in the last amendments thereof such return shall for the purposes of this section be considered as the amendment of the declaration permitted by subsection (4) of this section to be filed on or before such February fifteenth.

Rules for extensions of time up to six months.

(6) The board shall promulgate rules and regulations governing reasonable extensions of time for filing declarations and paying the estimated tax, except in the case of taxpayers who are abroad, and no such extension shall be for more than six (6) months.

Agent may make declaration.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

Amending clause.

Section 13. That chapter 49, title 84, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto, a section to be numbered 84-4940, to read as follows:

Installment payments of estimated tax.

84-4940. Installment Payments of Estimated Tax. (1) Estimated tax provided for in section 84-4939 shall be paid as follows: If the declaration is filed on or before April fifteenth of the taxable year the estimated tax shall be paid in two (2) equal installments. The first installment shall be paid at the time of filing of the declaration and the second or last installment shall be paid on October fifteenth of the taxable year;

Time of payment after April.

(b) If the declaration is filed after April fifteenth and not after October fifteenth of the taxable year and is not

HeinOnline -- 1955 618 1955

required by subsection (3) of section 84-4939 of this act to be filed on or before April fifteenth of the taxable year the estimated tax shall be paid at the time of filing of the declaration;

Time of payment after October.

(c) If the declaration is filed after October fifteenth of the taxable year and is not required by subsection (3) of section 84-4939 of this act to be filed on or before October fifteenth of the taxable year, the estimated tax shall be paid in full at the time of filing of the declaration.

Where extension of time granted.

(d) If the declaration is filed after the time prescribed in section 84-4939 of this act including cases where extensions of time have been granted paragraphs (b) and (c) of this subsection shall not apply and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in subsection (3) of section 84-4939 of this act and the remaining installments shall be paid at the times at which and in the amounts in which they would have been payable if the declaration had been so filed. Provided that payments required under this section for purposes of the taxable year 1955 shall be limited to fifty per cent (50%) of the total estimated tax for 1955.

Where amended declaration filed.

(2) If any amendment of a declaration is filed after April fifteenth and before October fifteenth of the taxable year the remaining installment, if any, shall be ratably increased or decreased as the case may be; to reflect the respective increase or decrease in the estimated tax by reason of such amendment and if any amendment is made after October fifteenth of the taxable year any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

Prior payment permitted.

(3) At the election of the individual any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(4) Payment of the estimated tax or any installment thereof shall be considered payment on account of the tax for the taxable year.

(5) The application of this section of this act to taxable years of less than twelve (12) months shall be as prescribed in the rules and regulations promulgated by the board.

HeinOnline -- 1955 619 1955

Fiscal year basis.

(6) In the application of this section of this act to taxpayers reporting income on a fiscal year basis there shall be substituted for the dates specified therein the months corresponding thereto.

Amending clause.

Section 14. That chapter 49, title 84, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto, a section to be numbered 84-4941, to read as follows:

Severability clause.

84-4941. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act.

Repealing clause.

Section 15. Sections 84-4916, 84-4918, 84-4933, 84-4934, 84-4935, of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective June 30, 1955.

Section 16. The provisions of this act shall apply to taxable years ending after June 30, 1955.

Approved March 10, 1955.

CHAPTER 261

An Act to Amend Section 80-714, Revised Codes of Montana, 1947, Relating to the Working Hours of Prison Guards, Providing for an Eight Hour Day and Forty-eight Hour Week, With Exceptions.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 80-714, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Prison guards—hours of labor.

"80-714. (12441) **Hours of Labor for** *Prison Guards.* A period of eight (8) hours in each period of twenty-four (24) consecutive hours shall constitute a day's work for all *civilians* employed in and about the state prison; *and prison guards shall not be required to work more than forty-eight (48) hours or six (6) days a week;* except in cases of insurrection, revolt, or escape of the prisoners confined therein, or of other emergencies endangering health, life, or property."

HeinOnline -- 1955 620 1955

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 10, 1955.

CHAPTER 262

An Act to Amend Section 8-104 Revised Codes of Montana, 1947, Relating to the Filing With the Board of Railroad Commissioners of the State of Montana of Proposed Schedules of Rates and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 8-104, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"8-104. (3847.4) **Rates — Reasonableness — Schedule to be Fixed by Board — Filing of Schedule.** All fares, rates and charges made for any service rendered or to be rendered in the transportation of persons or property by any class A or class B motor carriers, or in connection therewith, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared unlawful. The board of railroad commissioners is authorized to make for each class A and class B motor carrier doing business in this state, a schedule of specific reasonable fares, rates and charges for the transportation of persons and property in this state, and authority to make schedules shall include the power of classification of all freight. *A class A or class B motor carrier transporting either persons or property within the State of Montana may decrease its fares, rates or charges for services provided by filing with the board of railroad commissioners of the State of Montana its proposed schedule of fares, rates and charges, whereupon the said board must, within five (5) days after the receipt of same, give due and sufficient notice to the public and give notice by mail to all competitive class A or class B motor carriers. The said proposed schedule of rates, fares and charges shall be effective thirty (30) days from the date of said filing of said proposed schedule with the board, providing no complaint is received regarding said proposed schedule of rates by said board. If, within*

Rates and charges to be reasonable.

Railroad commissioners to make schedules.

Decrease of rates permissible.

Procedure.

HeinOnline -- 1955 621 1955

Hearing on complaint.

thirty (30) days after the date of said filing of said schedule of proposed rates, fares and charges, a complaint is received regarding the proposed schedule of fares, rates or charges, the said board will set the same for public hearing at which hearing the duty will be upon the carrier proposing the said schedule of rates to prove the necessity therefor. It will be possible for any person whose interests will be adversely affected to file such a complaint with the said board, or for the board to set the matter for public hearing upon its own motion.

Board may fix different rules in same class.

The board *also* shall have authority to fix different rates or schedules of rates for different motor carriers, of the same or different classes, and for different routes and different parts of the same route of any motor carrier. The board shall from time to time and as often as circumstances may require, change and

Carriers to file schedules.

revise such schedule. Every class A and class B motor carrier shall file with the board its schedule *of* tariffs showing all effective rates, fares, charges, and classifications for the transporattion of persons and property in this state. or for any service in connection therewith; and no time schedule, tariff, rate or classification shall be changed or altered without the written consent of the board, *except as otherwise provided herein.*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 263

An Act Regulating Traffic and the Operation of Vehicles Upon the Public Highways of the State of Montana, to Make Uniform the Laws Relating Thereto and to be Known as the Montana Uniform Act Regulating Traffic on the Highways; Defining Certain Terms Used in the Act; Defining the Power of Local Authorities to Enact or Enforce Ordinances, Rules, or Regulations in Regard to Matters Embraced Within the Provisions of This Act; Establishing Rules of the Road, and Providing for the Obedience to and Effect of Traffic Laws, Exceptions Thereto, and Defining the Duties and Obligations of

HeinOnline -- 1955 622 1955

Authorized Emergency Vehicles; Providing for Obedience to Traffic Signs, Signals, and Markings and Required Traffic-control Devices; Providing for Driving Vehicles on the Right Side of Roadway — Overtaking and Passing, and the Limitations Thereon, and Establishment of No-passing Zones, and Restrictions on the Use of Controlled Access Roadways; Providing for the Right of Way for Vehicles Approaching or Entering Intersections, Turning Left at Intersections, Entering Through Highway or Stop Intersection, or From Private Road or Driveway; Providing for Pedestrians' Rights and Duties and Providing That Drivers Exercise Due Care; Prohibiting Pedestrians From Soliciting Rides or Business; Providing for Turning and Starting Vehicles and Signals to be Given on Stopping and Turning; Requiring Special Stops and Obedience to Signals on Approach of Train; and Providing That Vehicles Stop at Railroad Grade Crossings and Providing for Moving Heavy Equipment at Railroad Grade Crossings and Providing That a Driver of a Vehicle Emerging From an Alley, Driveway, or Building Must Stop; Defining the Duties of a Driver of a Vehicle on Overtaking and Passing School Bus; Establishing Speed Restrictions, Limitations of Speed, and Speed Zones; Defining Certain Crimes in the Use and Operation of Vehicles and Fixing Penalties; Regulations on Stopping, Standing and Parking of Vehicles and Providing for Additional Parking Regulations; Providing for Miscellaneous Rules on Unattended Motor Vehicles; Regulating Riding on Motorcycles, Regulations on Backing, Obstruction to Driver's View or Driving Mechanism, Driving on Mountain Highways; Prohibiting Following Fire Apparatus, Crossing Fire Hose; Prohibiting the Deposit of Certain Materials on the Highways; Providing for the Operation of Bicycles and Play Vehicles on the Highway; Providing for Vehicle's Equipment and Devices and Inspection Thereof; Defining and Regulating the Lighting Equipment, Brakes and Other Vehicular Devices on Motor Vehicles and Other Vehicles While Traveling on the Public Highways; Providing for Revocation of Operators' and Chauffeurs' Licenses Upon the Conviction of Certain Crimes and Providing That Upon Application to the Montana Highway Patrol Board by Operators or Chauffeurs Who Have Had Their Licenses Revoked and Upon Proper

HeinOnline -- 1955 623 1955

Showing on the Part of the Said Applicant the Board May Issue Restricted Licenses; Providing for Enforcement; Providing for Uniformity of Interpretation; Providing That If Part of This Act be Held Unconstitutional It Shall Not Affect Remaining Parts of Act; Repealing Sections 31-107, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 94, Laws of 1949, 31-108 Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 118, Laws of 1949, 31-109, 32-801, 32-802, 32-803, 32-804, 32-805, 32-806, 32-1011, 32-1015, 32-1017, 32-1101, 32-1102, 32-1103, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 70, Laws of 1949, 32-1104, 32-1105, 32-1106, 32-1107, 32-1108, 32-1109, 32-1111, 32-1132, 32-1133, 32-1134, 32-1135, 32-1136, 32-1137, 32-1138, 32-1139, 32-1140, 32-1141, 32-1142, 32-1146, 32-1611, 32-1612, 69-1913, 69-1915, Revised Codes of Montana, 1947; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing Effective Date of Act.

Be it enacted by the Legislative Assembly of the State of Montana:

ARTICLE I

WORDS AND PHRASES DEFINED

Terms defined.

Section 1. *Definition of Words and Phrases.* The following words and phrases when used in this act shall, for the purpose of this act, have meanings respectively ascribed to them in this article.

Subdivision I. **Vehicles and Equipment Defined.**

"Vehicle."

Section 2. (a) *Vehicle.* Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Motor vehicle."

(b) *Motor Vehicle.* Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

"Motorcycle."

(c) *Motorcycle.* Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

HeinOnline -- 1955 624 1955

(d) *Motor-driven Cycle.* Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) horsepower, and every bicycle with motor attached. "Motor driven cycle."

(e) *Authorized Emergency Vehicle.* Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations or of persons as are designated or authorized by the board. "Authorized emergency vehicle."

(f) *School Bus.* Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school. "School bus."

(g) *Bicycle.* Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter. "Bicycle."

(h) *Special Mobile Equipment.* Every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section. "Special mobile equipment."

Section 3. (a) *Truck Tractor.* Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. "Truck tractor."

(b) *Farm Tractor.* Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. "Farm tractor."

(c) *Road Tractor.* Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn. "Road tractor."

Section 4. (a) *Truck.* Every motor vehicle designed, used, or maintained primarily for the transportation of property. "Truck."

HeinOnline -- 1955 625 1955

"Bus." (b) *Bus.* Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

"Trackless trolley coach." (c) *Trackless Trolley Coach.* Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Trailer." Section 5. (a) *Trailer.* Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Semi-trailer." (b) *Semitrailer.* Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Pole trailer." (c) *Pole Trailer.* Every vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Pneumatic tire." Section 6. (a) *Pneumatic Tire.* Every tire in which compressed air is designed to support the load.

"Solid tire." (b) *Solid Tire.* Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Metal tire." (c) *Metal Tires.* Every tire the surface of which in contact with the highway is wholly or partly metal or other hard nonresilient material.

"Railroad." Section 7. (a) *Railroad.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

"Railroad train." (b) *Railroad Train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

HeinOnline -- 1955 626 1955

Section 8. (a) *Explosives.* Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. "Explosives."

(b) *Flammable Liquid.* Any liquid which has a flash point of seventy (70) degrees F., or less, as determined by a tagliabue or equivalent closed cup test device. "Flammable liquid."

Section 9. *Gross Weight.* The weight of a vehicle without load plus the weight of any load thereon. "Gross weight."

Subdivision II. **Governmental Agencies, Persons, Owners, Etc., Defined.**

Section 10. (a) *Supervisor.* The supervisor of the Montana highway patrol of this state. "Supervisor."

(b) *Board.* The Montana highway patrol board of this state acting directly or through its duly authorized officers and agents. "Board."

(c) *Commission.* The state highway commission of Montana. "Commission."

Section 11. (a) *Person.* Every natural person, firm, copartnership, association, or corporation. "Person."

(b) *Pedestrian.* Any person afoot. "Pedestrian."

(c) *Driver.* Every person who drives or is in actual physical control of a vehicle. "Driver."

(d) *Owner.* A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act. "Owner."

HeinOnline -- 1955 627 1955

"Police officer, highway patrolman."

Section 12. *Police Officer or Highway Patrolman.* Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

"Local authorities."

Section 13. *Local Authorities.* Every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

Subdivision III. **Highways, Restricted Districts, Zones, Etc., Defined.**

"Street or highway."

Section 14. (a) *Street or Highway.* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel.

"Private road, driveway."

(b) *Private Road or Driveway.* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Roadway."

(c) *Roadway.* That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

"Sidewalk."

(d) *Sidewalk.* That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

"Laned roadway."

(e) *Laned Roadway.* A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

"Through highway."

(f) *Through Highway.* Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.

"Controlled access highway."

(g) *Controlled-Access Highway.* Every highway, street, or roadway, in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

HeinOnline -- 1955 628 1955

Section 15. *Intersection.* (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. "Intersection."

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Section 16. *Crosswalk.* (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. "Crosswalk."

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

Section 17. *Safety Zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. "Safety zone."

Section 18. (a) *Business District.* The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway. "Business district."

(b) *Residence District.* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three "Residence district."

HeinOnline -- 1955 629 1955

hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

"Official traffic-control devices."

Section 19. (a) *Official Traffic-control Devices.* All signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

"Traffic-control signal."

(b) *Traffic-control Signal.* Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

"Railroad sign or signal."

(c) *Railroad Sign or Signal.* Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Traffic."

Section 20. *Traffic.* Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

"Right-of-way."

Section 21. *Right of Way.* The privilege of the immediate use of the roadway.

"Stop."

Section 21.1. *Stop.* (a) When required means complete cessation from movement.

"Stop, stopping or standing."

(b) *Stop, Stopping, or Standing.* When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway patrolman, or traffic-control sign or signal.

"Park."

(c) *Park.* When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

"Arterial street."

Section 21.2. (a) *Arterial Street.* Any U. S. or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system or highway.

"Implement of husbandry."

(b) *Implement of Husbandry.* Every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.

HeinOnline -- 1955 630 1955

"Urban district."

(c) *Urban District.* The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter (¼) of a mile or more.

ARTICLE II

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Act applies to vehicles on highway.

Section 22. *Provisions of Act Refer to Vehicles Upon the Highways — Exceptions.* The provisions of this act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

Exceptions.

1. Where a different place is specifically referred to in a given section.

2. The provisions of article IV of this act and chapter 12, title 32, Revised Codes of Montana, 1947, shall apply upon highways and elsewhere throughout the state.

Obedience to traffic laws required.

General penalty.

Section 23. *Required Obedience to Traffic Laws.* It is unlawful and, unless otherwise declared in this act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this act.

When obedience to police and patrol required.

Section 24. *Obedience to Police Officers and Highway Patrolmen.* No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer or highway patrolman *pertaining to the use of the highways by traffic.*

Act applies to public officers, employees.

Section 25. *Public Officers and Employees to Obey Act.*

Exception.

(a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, or town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles.

When applied to persons working on highways.

(b) *Persons Working on Highways — Exceptions.* Unless specifically made applicable, the provisions of this chapter except those contained in article IX hereof shall not apply to persons, teams, motor vehicles and other equip-

HeinOnline -- 1955 631 1955

ment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

Privileges for authorized emergency vehicles in emergency.

Section 25.1 *Authorized Emergency Vehicles.* (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this act;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

Audible and visual signals required.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of section 131 of this act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

Due care required.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Act applies to animal-drawn vehicles.

Section 26. *Traffic Laws Apply to Persons Driving Animal-Drawn Vehicles.* Every person driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except those provisions of this act which by their very nature can have no application.

HeinOnline -- 1955 632 1955

Provisions of act uniform throughout state.

Section 27. *Provisions of Act Uniform Throughout State.* The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulations in conflict with the provisions of this act unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this act.

Powers of local authorities.

Section 28. *Powers of Local Authorities.* (a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

Areas of local authority enumerated.

1. Regulating the standing or parking of vehicles:

2. Regulating the traffic by means of police officers or traffic-control devices;

3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one (1) specific direction;

5. Regulating the speed of vehicles in public parks;

6. Designating any highway as a through highway and requiring that all the vehicles stop before entering or crossing the same designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;

7. Restricting the use of highways as authorized in section 32-1128, Revised Codes of Montana, 1947;

8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the speed limits as authorized herein;

11. Adopting such other traffic regulations as are specifically authorized by this act.

HeinOnline -- 1955 633 1955

Prior approval of commission to stop signs on highways.

(b) No local authority shall erect or maintain any stop sign or traffic control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the state highway commission.

Posting notice of ordinance required.

(c) No ordinance or regulation enacted under subdivision (4), (5), (6), (7) or (10) of section 28 (a) shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Private rights assured.

Section 29. *This Act Not to Interfere With Rights of Owners of Real Property With Reference Thereto.* Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating such use as may seem best to such owner.

ARTICLE III

TRAFFIC SIGNS, SIGNALS, AND MARKINGS.

Commission to adopt sign manual.

Section 30. *State Highway Commission to Adopt Sign Manual.* The state highway commission shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within the state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials.

Commission to establish signs on highways."

Section 31. *State Highway Commission to Sign All State Highways.* (a) The state highway commission shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn, or guide traffic.

Local signing forbidden.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the state highway commission except by the latter's permission.

HeinOnline -- 1955 634 1955

Local traffic-control devices.

Section 32. *Local Traffic-Control Devices.* (a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

Requiring obedience to traffic-control devices.

Section 33. *Obedience to and Required Traffic-control Devices.* (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this act, unless otherwise directed by a highway patrolman or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

When not enforced.

(b) No provision of this act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state the signs are required, such section shall be effective even though no signs are erected or in place.

Control signal legend.

Section 34. *Traffic-control Signal Legend.* Whenever traffic is controlled by traffic-control signals exhibiting the words "go", "caution", or "stop", or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

Green—"Go."

(a) *Green Alone or "Go":*

1. Vehicular traffic facing the signal may proceed straight through or turn left or right unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection of an adjacent crosswalk at the time such signal is exhibited.

Pedestrians.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

Yellow—"Caution."

(b) *Yellow Alone or "Caution" When Shown Following the Green or "Go" Signal:*

HeinOnline -- 1955 635 1955

1. Vehicular traffic facing the signal is thereby warned that the red or "stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.

Pedestrians.

2. Pedestrians facing such signals are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

Red—"Stop."

(c) *Red Alone or "Stop":*

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone.

Pedestrians.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

Red with green arrow.

(d) *Red With Green Arrow:*

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection.

Pedestrians.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

Traffic control signal other than intersection.

(e) *Traffic Control Signal at Place Other Than Intersection:*

1. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their very nature can have no application.

2. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Pedestrian control signals.

Section 35. *Pedestrian Control Signals.* Whenever special pedestrian control signals exhibiting the words "walk" or

HeinOnline -- 1955 636 1955

"wait" or "don't walk" are in place such signals shall indicate as follows:

"Walk."

(a) *Walk.* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

"Wait" or "Don't walk."

(b) *Wait or Don't Walk.* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

Flashing signal devices.

Section 36. *Flashing Signals.* (a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

Red—Stop.

1. *Flashing Red (stop signal).* (a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

Exception—railroad crossing.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 89 of this act.

Yellow—Caution.

2. *Flashing Yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

Unauthorized signs, signals, marks forbidden.

Section 37. *Display of Unauthorized Signs, Signals, or Markings.* (a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign, or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

Advertising on signals forbidden.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

HeinOnline -- 1955 637 1955

Other information.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

Portable "Caution" school signs exempted.

(d) The prohibition of this section shall not apply to portable "caution" signs placed in the vicinity of schools at those times during which school children are going to and coming from school.

Prohibited matter—public nuisance—removal.

(e) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Interference with signals, signs, forbidden.

Section 38. *Interference With Official Traffic-control Devices or Railroad Signs or Signals.* No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

ARTICLE IV

DRIVING WHILE INTOXICATED, AND RECKLESS DRIVING

Driving or control under influence forbidden.

Section *39. Persons Under the Influence of Intoxicating Liquor or of Drugs.* (a) It is unlawful and punishable as provided in paragraph *(c)* of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this state.

Driving under influence of drugs forbidden.

(*b*) It is unlawful and punishable as provided in paragraph (*c*) of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

Penalties.

(*c*) Every person who is convicted of a violation of this section will be punished by imprisonment for not more than six (6) months, or by fine of not less than *fifty dollars*

HeinOnline -- 1955 638 1955

($50.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment for not less than *thirty (30)* days nor more than one (1) year, *or* in the discretion of the court, a fine of not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000.00), or by both such fine and imprisonment.

Second offense.

The board shall forthwith revoke the license or permit to drive and operating privilege and any non-resident operating privilege of any person convicted under this section*; providing, however, that the board shall have the authority after such revocation upon proper application and proper showing made to the board by the party whose license has been revoked to issue to said party a restricted operator's or chauffeur's license allowing the said party to drive a motor vehicle to and from and in the course of his business only, and such restricted license shall remain in effect at the will of said board.*

Revocation of license or permit.

Proviso—restricted licenses.

Section *40. Reckless Driving.* (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

Reckless driving.

(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not more than ninety (90) days, or by fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment.

Penalty.

Second offense.

ARTICLE V

SPEED RESTRICTIONS

Section 41. *Basic Rule.* (a) *Every person operating or driving a vehicle of any character on a public highway of this state shall drive the same in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account amount and character of traffic, condition of brakes, weight of vehicle, grade and*

Basic speed rule.

HeinOnline -- 1955 639 1955

width of highway, condition of surface, and freedom of obstruction to view ahead, and so as not to unduly or unreasonably endanger the life, limb, property, or other rights of any person entitled to the use of the street or highway.

Maximums otherwise.

(b) Where no special hazard exists that requires lower speed for compliance with paragraph (a) of this section the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized, shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful:

1. Twenty-five (25) miles per hour in any urban district;

2. Thirty-five (35) miles per hour on any highways under construction or repairs;

3. Fifty-five (55) miles per hour in such other locations during the night time;

"Daytime" defined.

Daytime means from a half (½) hour before sunrise to a half (½) hour after sunset. Nighttime means at any other hour.

The speed limits set forth in this section may be altered as authorized in sections 42 and 43.

Reduced speed—when.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition.

State speed zones.

Section *42. Establishment of State Speed Zones.* Whenever the board shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said board may determine and declare a reasonable and safe speed limit thereat which when appropriate signs giving notice thereof are erected shall be effective at all times or during hours of daylight or darkness or at such other times as may be

HeinOnline -- 1955 640 1955

determined at such intersections or other place or part of the highway.

Local authorities may alter limits.

Section *43. When Local Authorities May and Shall Alter Limits.* (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the speed permitted under this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe limit thereon which:

1. Decreases the limit at intersection; or

2. Increases the limit within an urban district but not to more than fifty-five (55) miles per hour during nighttime; or

3. Decreases the limit outside an urban district, but not to less than thirty-five (35) miles per hour.

Local jurisdiction on arterial streets.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper speed for all arterial streets and shall declare a reasonable and safe limit thereon which may be greater or less than the speed permitted under this act for an urban district.

Signs and notices of altered limits.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

Municipal alterations on highways—commission approval.

(d) Any alteration of speed limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the commission.

Minimum speed regulations.

Section *44. Minimum Speed Regulations.* (a) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Enforcement.

Police officers or highway patrolmen are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this pro-

HeinOnline -- 1955 641 1955

vision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor, *except that inability to comply with such order will not be construed as willful disobedience.*

Exception.

Local minimums authorized.

(b) Whenever the board or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the board or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

Truck speed limits.

Section *45. Special Speed Limitations on Trucks, Truck Tractors and Motor-driven Cycles.* (a) No person shall operate any truck or truck tractor the gross weight of which exceeds four thousand (4,000) pounds at a speed greater than forty-five (45) miles per hour.

Motor-driven cycle.

(b) No person shall operate any motor-driven cycle at any time mentioned in section 113 at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead.

Special speed limits, solid tires.

Section *46. Special Speed Limitations.* (a) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten (10) miles per hour.

Bridges, where posted.

(b) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

Posting, procedure.

(c) The board upon request from any local authority may, or upon its own initiative shall, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act, the board shall determine and declare the maximum speed

HeinOnline -- 1955 642 1955

of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of not less than one hundred (100) feet before each end of such structure.

Presumption of maximum safe speed.

(d) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said board and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Charging violations.

Section *47. Charging Violations.* In every charge of violation of any speed regulation in this act the complaint, also the summons, or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the district or at the location.

ARTICLE VI

DRIVING ON RIGHT SIDE OF ROADWAY — OVERTAKING AND PASSING, ETC.

Section *48. Drive on Right Side of Roadway — Exceptions.*

Driving on right side required.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

Exceptions.

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

HeinOnline -- 1955 643 1955

Approaching vehicles, passing to right.

Section *49. Passing Vehicles Proceeding in Opposite Directions.* Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half (½) of the main-traveled portion of the roadway as nearly as possible.

Overtaking, pass to left.

Section *50. Overtaking a Vehicle on the Left.* The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Vehicle being overtaken— yield to right.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Overtaking on right permitted— when.

Section *51. When Overtaking on Right is Permitted.* (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

HeinOnline -- 1955 644 1955

Limitations on overtaking on the left.

Section *52. Limitations on Overtaking on the Left.* No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the righthand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

Forbidding driving to left of roadway.

Section *53. Further Limitations on Driving to Left of Center of Roadway.* (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing;

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

Exception—one-way road.

(b) The foregoing limitations shall not apply upon a one-way roadway.

No-passing zones.

Section *54. No-passing Zones.* The commission is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs and markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

Commission may establish one-way roads.

Section *55. One-way Roadways and Rotary Traffic Islands.* (a) The commission may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

HeinOnline -- 1955 645 1955

(b) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

Rotary traffic islands.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Laned roadways—additional rules.

Section *56. Driving on Roadways Laned for Traffic.* Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

Forbidding following too closely.

Section *57. Following Too Closely.* (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

Towing vehicles.

(b) The driver of any truck tractor, truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck tractor, truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck tractor, truck or motor

HeinOnline -- 1955 646 1955

vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

Caravans.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

Excepting funerals.

Divided highways.

Section *58. Driving on Divided Highways.* Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection established by public authority.

Restricted access.

Section *59. Restricted Access.* No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Restrictions on use of controlled-access roadways authorized.

Section *60. Restrictions on Use of Controlled-access Roadway.* The commission may by resolution or order entered in its minutes, and local authorities may by ordinance with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other non-motorized traffic or by any person operating a motor-driven cycle.

The commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

ARTICLE VII

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

Turning at intersections.

Section *61. Required Position and Method of Turning at Intersections.* The driver of a vehicle intending to turn at an intersection shall do so as follows:

HeinOnline -- 1955 647 1955

Right turn.

(a) *Right Turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

Left turn.

Two-way roadway.

(b) *Left Turn on Two-way Roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Other than two-way roadway.

(c) *Left Turns on Other Than Two-way Roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) *Placing of Markers, Buttons and Signs.*

Local authorities may place markers, buttons or signs to alter rule of statute.

1. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

Prohibiting turns on curve or grade crest.

Section *62. Turning on Curve or Crest of Grade Prohibited.* No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Starting parked vehicle.

Section *63. Starting Parked Vehicle.* No person shall

HeinOnline -- 1955 648 1955

start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Turning movements and required signals.

Section *64. Turning Movements and Required Signals.* (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by section *61* or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

Right or left turn.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

Decrease of speed.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Signals by hand and arm or device.

Section *65. Signals by Hand and Arm or Signal Device.* (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, except as otherwise provided in paragraph (b).

Signal lights or device required on certain vehicles.

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cap, or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicle.

Hand and arm signals—method.

Section *66. Method of Giving Hand-and-Arm Signals.* All signals herein required given by hand and arm shall

HeinOnline -- 1955 649 1955

be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.

2. Right turn. Hand and arm extended upward.

3. Stop or decrease speed. Hand and arm extended downward.

ARTICLE VIII

RIGHTS OF WAY

Right-of-way approaching intersection.

Section *67. Vehicle Approaching or Entering Intersection.* (a) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.

(b) When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(c) The right-of-way rules declared in paragraphs (a) and (b) are modified at through highways and otherwise as hereinafter stated in this article.

Left turn at intersection

Section *68. Vehicle Turning Left at Intersection.* The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn. *The provisions of this section shall not be applicable where it is otherwise directed by appropriate signs or signals.*

Entering through highway or stop intersection.

Section *69. Vehicle Entering Through Highway or Stop Intersection.* (a) The driver of a vehicle shall stop as required by section 93 of this act at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard but

HeinOnline -- 1955 650 1955

said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right of way to the vehicle so proceeding into or across the through highway.

(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one (1) or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

Entering from private road.

Section *70. Vehicle Entering Highway From Private Road or Driveway.* The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

"Yield right-of-way" intersections.

Section *71. Vehicles Approaching "Yield Right-of-Way" Sign.* When the intersection is designated by the commission, or the local authority having jurisdiction, as a "yield right-of-way" intersection, the driver of a vehicle approaching the "yield right-of-way" sign shall slow to a speed of not more than fifteen (15) miles per hour and yield right of way to all vehicles approaching from the right or left on the intersecting roads, or streets, which are so close as to constitute an immediate hazard. If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a "yield right-of-way" sign, such collision or interference shall be deemed evidence of the driver's failure to yield right of way.

Operation of vehicle on approach of emergency vehicle.

Section *72. Operation of Vehicles on Approach of Authorized Emergency Vehicles.* (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of section 130 of this act, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed,

HeinOnline -- 1955 651 1955

except when otherwise directed by a police officer or highway patrolman.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

ARTICLE IX

PEDESTRIANS' RIGHTS AND DUTIES

Pedestrians subject to traffic regulations.

Section *73. Pedestrians Subject to Traffic Regulations.* (a) Pedestrians shall be subject to traffic-control signals at intersections as provided in section 34 of this act unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

(b) Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

Pedestrians' right-of-way in cross-walk.

Section *74. Pedestrians' Right of Way in Crosswalk.* (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in section *75* (b).

Passing at intersection, when forbidden.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

HeinOnline -- 1955 652 1955

Regulating crossing at other than crosswalks.

Section *75. Crossing at Other Than Crosswalks.* (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Due care required of drivers.

Section *76. Drivers to Exercise Due Care.* Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Pedestrians to keep to right of crosswalk.

Section *77. Pedestrians to Use Right Half of Crosswalk.* Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Pedestrian to walk facing traffic on roadway.

Section *78. Pedestrians on Roadways.* (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Hitchhiking.

Section *79. Pedestrian Soliciting Rides or Business.* (a) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Forbidding intoxicated pedestrians.

Section *80. Intoxicated Pedestrian.* No person shall walk

HeinOnline -- 1955 653 1955

upon or along the highway while under the influence of intoxicating liquor.

ARTICLE X

OPERATION OF BICYCLES AND PLAY VEHICLES

Penalty.

Section *81. Effect of Regulations.* (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(*b*) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Traffic laws apply to bicycles.

Section *82. Traffic Laws Apply to Persons Riding Bicycles.* Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except as to special regulations in this article and except as to those provisions of this act which by their very nature can have no application.

Manner of riding.

Section *83. Riding on Bicycles.* A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

Hooking to vehicles forbidden.

Section *84. Clinging to Vehicles.* No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Riding on roadways and cycle paths.

Section *85. Riding on Roadways and Bicycle Paths.* (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Requiring one hand on handlebars.

Section *86. Carrying Articles.* No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one (1) hand upon the handle bars.

HeinOnline -- 1955 654 1955

Lamps and other equipment required.

Section *87. Lamps and Other Equipment on Bicycles.* (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the board which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

Brake required.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

ARTICLE XI

SPECIAL STOPS REQUIRED

Stop required at train signal.

Section *88. Obedience to Signal Indicating Approach of Train.* (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing

HeinOnline -- 1955 655 1955

while such gate or barrier is closed or is being opened or closed.

Stop signs authorized at certain crossings.

Section *89. All Vehicles Must Stop at Certain Railroad Grade Crossings.* The commission and local authorities are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Certain vehicles must stop at all railroad crossings.

Section *90. Certain Vehicles Must Stop At All Railroad Grade Crossings.* (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossings and the driver shall not shift gears while crossing the track or tracks.

Exceptions.

(b) No stop need be made at any such crossing where a police officer or highway patrolman or traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street-railway grade crossings within a business or residence district.

Moving certain equipment at railroad crossings.

Section *91. Moving Heavy Equipment at Railroad Grade Crossings.* (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half (½) inch per foot of the distance between any two (2) adjacent axles or in any event of less than nine (9) inches, measured above the level surface of

HeinOnline -- 1955 656 1955

a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Authorizing stop signs.

Section *92. Vehicles Must Stop at Stop Signs.* (a) The commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one (1) or more entrances to such intersection.

Form.

(b) Every said sign shall bear the word "stop" in letters not less than eight (8) inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.

Location.

(c) Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the roadway.

Stop required.

(d) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at

HeinOnline -- 1955 657 1955

the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or highway patrolman or traffic-control signal.

Stop before emerging from alley, driveway or building.

Section *93. Stop Before Emerging From Alley, Drive-way, or Building.* The driver of a vehicle within a business or residence district emerging from an alley, drive-way, or building, shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

Stop on signal for halted school bus.

Section *94. Overtaking and Passing School Bus.* (a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said bus a visual signal as specified in section *129* and said driver shall not proceed until such school bus resumes motion, or is signaled by the school bus driver to proceed as the visual signals are no longer actuated.

Lettering on school bus required.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "school bus" in letters not less than eight (8) inches in height, and in addition shall be equipped with visual signals meeting the requirements of section *129* of this act, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

(c) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "school bus" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a con-

HeinOnline -- 1955 658 1955

trolled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Lighting equipment on school bus, when not to be operated.

Section *95. Special Lighting Equipment on School Busses.* It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus.

ARTICLE XII

STOPPING, STANDING, AND PARKING

Stopping or standing on highway outside urban area.

Section *96. Stopping, Standing, or Parking Outside of Business or Residence Districts.* (a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles; *and no person shall stop, stand or park any vehicle upon such highway unless such vehicle can be seen by the driver of any other vehicle approaching, from either direction, within five hundred (500) feet and unless drivers approaching from opposite directions are visible to each other when both are at least five hundred (500) feet from the vehicle to be stopped, turned or parked, except in cases of justifiable emergency.*

Exception—disability.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Authorizing removal of illegally stopped vehicle.

Section *97. Officers or Highway Patrolmen Authorized to Remove Illegally Stopped Vehicles.* (a) Whenever any police officer or highway patrolman finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer or highway patrolman is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the

HeinOnline -- 1955 659 1955

same, to a position off the paved or main-traveled part of such highway.

Stopping, standing, parking forbidden—when.

(b) Whenever any police officer or highway patrolman finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer or highway patrolman is hereby authorized to provide for the removal of such vehicle to the nearest place of safety.

Section *98. Stopping, Standing, or Parking Prohibited in Specified Places.* (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or highway patrolman or traffic-control device, in any of the following places:

1. On a sidewalk;

2. In front of a public or private driveway;

3. Within an intersection;

4. Within fifteen (15) feet of a fire hydrant;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;

11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

HeinOnline -- 1955 660 1955

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

(*b*) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Additional parking regulations.

Section *99. Additional Parking Regulations.* (a) Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

(b) Local authorities may by ordinance permit parking of vehicle with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing, or parking, is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

ARTICLE XIII

MISCELLANEOUS RULES

Unattended vehicles—manner of parking.

Section *100. Unattended Motor Vehicles.* No person driving or in charge of a motor vehicle shall permit it to stand

HeinOnline -- 1955 661 1955

unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the roadway.

Limitations on backing.

Section *101. Limitations on Backing.* The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Riding on motorcycles.

Section *102. Riding on Motorcycles.* A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one 1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

Forbidding obstruction of driver's view or mechanism.

Section *103. Obstruction to Driver's View or Driving Mechanism.* (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Mountain highways.

Section *104. Driving on Mountain Highways.* The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible.

Coasting down grade prohibited.

Section *105. Coasting Prohibited.* The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral or with the clutch *manually* disengaged.

Following fire apparatus—limitation.

Section *106. Following Fire Apparatus Prohibited.* The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response

HeinOnline -- 1955 662 1955

to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Crossing fire hose—limitation.

Section *107. Crossing Fire Hose.* No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Putting glass, etc., on highway forbidden.

Section *108. Putting Glass, etc., on Highway Prohibited.* (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediatley remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Riding on fenders or running boards forbidden.

Section *109. Riding on Fenders or Running Boards Prohibited.* Any person driving a vehicle shall not permit passengers to ride on the fenders or running boards nor shall any passenger ride on the fenders or running boards of a vehicle.

Shooting from or across highway forbidden.

Section *110. Shooting From or Across Highway.* No person shall shoot any firearm from or across the roadway of any state or federal highway.

ARTICLE XIV

EQUIPMENT

Scope and effect of statutes governing equipment.

Section *111. Scope and Effect of Regulations.* (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article or which is equipped in any manner in violation of

HeinOnline -- 1955 663 1955

this article, or for any person to do any act forbidden or fail to perform any act required under this article.

(b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.

Excepting certain vehicles.

(c) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

Lighted lamps required.

Section *112. When Lighted Lamps Are Required.* Every vehicle upon a highway within this state at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when due to insufficient light, or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred (500) feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

Standards of application of lamp requirements

Section *113. Visibility Distance and Mounted Height of Lamps.* (a) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in section *112* in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Head lamps on motor vehicles.

Section *114. Head Lamps on Motor Vehicles.* (a) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.

Motorcycles.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than

HeinOnline -- 1955 664 1955

two (2) head lamps which shall comply with the requirements and limitations of this article.

(c) Every head lamp upon every motor vehicle, including every motorcycle and every motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four (54) inches nor less than twenty-eight (28) inches to be measured as set forth in section *113* (b). Location.

Section *115. Tail Lamps.* (a) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one (1) tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1956, shall be equipped with at least two (2) tail lamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section. Tail lamps.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than twenty (20) inches. Location.

(c) Either tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. Lighting registration plate.

Section *116. New Motor Vehicles to be Equipped With Reflectors.* (a) Every new motor vehicle hereafter sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors, except that every motorcycle and motor-driven cycle shall carry at least one (1) reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section *119* Red reflectors required.

HeinOnline -- 1955 665 1955

shall be equipped with reflectors as required in those sections applicable thereto.

Reflector standards.

(b) Every such reflector shall be mounted on the vehicle at a height not less than twenty (20) inches nor more than sixty (60) inches measured as set forth in section *113* (b), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

Stop lamps required on new vehicles.

Section *117. Stop Lamps and Turn Signals Required on New Motor Vehicles.* From and after January 1, 1956, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this state or for any person to drive such vehicle on the highways unless it is equipped with at least one (1) stop lamp meeting the requirements of section *130.*

Application of Sections 119, 120, 121, 122, and 124.

Section *118. Application of Succeeding Sections.* Those sections of this act which follow immediately including sections *119, 120, 121, 122,* and *124* relating to clearance and marker lamps, reflectors, and stop lights, shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger busses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at all times mentioned in section *112* except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

Additional equipment required on certain vehicles.

Section *119. Additional Equipment Required on Certain Vehicles.* In addition to other equipment required in this act the following vehicles shall be equipped as herein stated under the conditions stated in section *118.*

(a) On every bus or truck, whatever its size, there shall be the following:

On the rear, two (2) reflectors, one (1) at each side, and one (1) stop light.

HeinOnline -- 1955 666 1955

(b) On every bus or truck eighty (80) inches or more in over-all width, in addition to the requirements in paragraph (a):

On the front, two (2) clearance lamps, one (1) at each side.

On the rear, two (2) clearance lamps, one (1) at each side.

On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(c) On every truck tractor:

On the front, two (2) clearance lamps, one (1) at each side.

On the rear, one (1) stop light.

(d) On every trailer or semitrailer having a gross weight in excess of three thousand (3,000) pounds:

On the front, two (2) clearance lamps, one (1) at each side.

On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

On the rear, two (2) clearance lamps, one (1) at each side, also two (2) reflectors, one (1) at each side, and one (1) stop light.

(e) On every pole trailer in excess of three thousand (3,000) pounds gross weight:

On each side, one (1) side marker lamp and one (1) clearance lamp which may be in combination, to show to the front, side, and rear.

On the rear of the pole trailer or load, two (2) reflectors, one (1) at each side.

(f) On every trailer, semitrailer, or pole trailer weighing three thousand (3,000) pounds gross or less:

On the rear, two (2) reflectors, one (1) on each side. If any trailer or semitrailer is so loaded or is of such dimen-

HeinOnline -- 1955 667 1955

sions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one (1) stop light.

Board may add rules.

(g) The board is hereby empowered to make additional rules and regulations governing the use of safety equipment on motor vehicles, vehicles and/or combination of vehicles, that is, trailer hitches, safety chains, mounts, tow bars and other similar equipment as it shall deem advisable for the protection of the public; provided further that any violation of any rules and regulations adopted by the board shall be deemed a misdemeanor.

Color of clearance, side marker, reflector and back-up lamps.

Section *120. Color of Clearance Lamps, Side Marker Lamps, Reflectors and Back-up Lamps.* (a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp may be white, amber, or red.

How side lamps mounted.

Section *121. Mounting of Reflectors, Clearance Lamps, and Side Marker Lamps.* (a) Reflectors when required by section *119* shall be mounted at a height not less than twenty-four (24) inches and not higher than sixty (60) inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four (24) inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this act.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its

HeinOnline -- 1955 668 1955

extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

Standard of visibility.

Section *122. Visibility of Reflectors, Clearance Lamps, and Marker Lamps.* (a) Every reflector upon any vehicle referred to in section *119* shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred (500) feet from the front and rear respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred (500) feet from the side of the vehicle on which mounted.

Rule on combination operation.

Section *123. Obstructed Lights Not Required.* Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combintaion, but this shall not affect the requirements that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

Additional red light or flag on projecting load.

Section *124. Lamp or Flag on Projecting Load.* Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section *112* hereof, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red light required upon every vehicle. At any

HeinOnline -- 1955 669 1955

other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Lamps on parked vehicles.

Section *125. Lamps on Parked Vehicles.* (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and in the event there is suffiicent light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need be displayed upon such parked vehicle.

When lights not required.

Lights required on parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps, shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(c) Any lighted headlamp upon a parked vehicle shall be depressed or dimmed.

Lamps on farm equipment.

Section *126. Lamps on Farm Tractors, Farm Equipment, and Implements of Husbandry.* (a) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in section *112* be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than five hundred (500) feet to the front of such vehicle and shall also be equipped with at least one (1) lamp displaying a red light visible from a

HeinOnline -- 1955 670 1955

distance of not less than five hundred (500) feet to the rear of such vehicle and two (2) red reflectors visible from a distance of one hundred (100) to six hundred (600) feet to the rear when illuminated by the upper beams of headlamps. The lights required herein shall be positioned so that one (1) lamp showing to the front and one (1) lamp or reflector showing to the rear will indicate the furthest projection of said tractor, unit or implement on the side of the road used in passing such vehicle.

Farm equipment combinations—lights required.

(b) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in section *112* be equipped with the following lamps:

(1) At least one (1) lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible from a distance of not less than five hundred (500) feet to the front of said combination, and

(2) Two (2) lamps each displaying a red light visible from a distance of not less than five hundred (500) feet to the rear of said combination, or as an alternative, at least one (1) lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear thereof and two (2) red reflectors visible from a distance of one hundred (100) to six hundred (600) feet to the rear thereof when illuminated by the upper beams of headlamps, which said lamps or reflectors shall be mounted in such manner as to indicate as nearly as practicable the extreme left and right rear projections of said towed unit or implement on the highway.

(c) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times mentioned in section *112* be equipped with two (2) single-beam or multiple-beam headlamps meeting the requirements of sections *132* or *134* of this act respectively, or as an alternative, section *136* of this act, and two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or in the alternative, one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear and two (2) red reflectors visible from a distance of one hundred (100) to six hundred (600) feet to the rear when

HeinOnline -- 1955 671 1955

illuminated by the upper beams of headlamps; and such red lamps or reflectors shall be mounted in the rear of said farm tractor or self-propelled implement of husbandry so as to indicate as nearly as practicable the extreme left and right projections of said vehicle on the highway.

(d) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times mentioned in section *112* be equipped with the following lamps:

(1) The farm tractor element of every such combination shall be equipped with two (2) single-beam or multiple-beam headlamps meeting the requirements of sections *132, 134,* or *136* of this act, and

(2) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or as an alternative, one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear and two (2) red reflectors visible from a distance of one hundred (100) to six hundred (600) feet to the rear when illuminated by the upper beams of headlamps; and such red lamps or reflectors shall be located so as to indicate as nearly as practicable the extreme left and right projections of said towed unit or implement on the highway, and

(3) Said combination shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front and a lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear, which said lamp or lamps shall be installed or capable of being positioned so as to indicate to the front and rear the furthest projection of said combination on the side of the road used by other vehicles in passing such combination.

Lamps on other vehicles and equipment.

Section *127. Lamps on Other Vehicles and Equipment.* Every vehicle, including animal-drawn vehicles and vehicles referred to in section *111* (c), not specifically required by the provisions of this article to be equipped with lamps or other lighting devices, shall at all times specified in section *112* of this act be equipped with at least one (1)

HeinOnline -- 1955 672 1955

lamp displaying a white light visible from a distance of not less than five hundred (500) feet to the front of said vehicle, and shall also be equipped with two (2) lamps displaying red light visible from a distance of not less than five hundred (500) feet to the rear of said vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear and two (2) red reflectors visible for distances of one hundred (100) to six hundred (600) feet to the rear when illuminated by the upper beams of headlamps.

Spotlights.

Section *128. Spot Lamps and Auxiliary Lamps.* (a) *Spot Lamps.* Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be turned off upon approaching another moving vehicle from either direction.

Fog lamps.

(b) *Fog Lamps.* Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in section *132* (b).

Auxiliary passing lamp.

(c) *Auxiliary Passing Lamp.* Any motor vehicle may be equipped with not to exceed one (1) auxiliary passing lamp mounted on the front at a height not less than twenty-four (24) inches nor more than forty two (42) inches above the level surface upon which the vehicle stands. The provisions of section *132* shall apply to any combination of head lamps and auxiliary passing lamp.

Auxiliary driving lamp.

(d) *Auxiliary Driving Lamp.* Any motor vehicle may be equipped with not to exceed one (1) auxiliary driving lamp mounted on the front at a height not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of section *132* shall apply to any combination of head lamps and auxiliary driving lamp.

HeinOnline -- 1955 673 1955

Section *129. Audible and Visual Signals on Vehicles.*

Siren on emergency vehicles.

(a) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

Signal lamps on school busses.

(b) Every bus used for the transportation of school children and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing *amber* lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

Police vehicles. Stoplights authorized.

(c) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in section *72* and *94* of this act.

Turn indicator lights authorized.

Section *130. Signal Lamps and Signal Devices.* (a) Any motor vehicle may be equipped and when required under this act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one (1) or more other rear lamps.

(b) Any motor vehicle may be equipped and when required under this act shall be equipped with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for such purposes, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of

HeinOnline -- 1955 674 1955

not less than one hundred (100) feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Where mechanical signal devices are used for such purposes, said devices shall be self-illuminated when in use at the times mentioned in section *112*.

(c) No stop lamp or signal lamp or device shall project a glaring light.

Authorizing additional lighting equipment.

Section *131*. *Additional Lighting Equipment*. (a) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than two (2) back-up lamps either separately or in combination with other lamps, but any such back-up lamps shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights

HeinOnline -- 1955 675 1955

shall be visible from a distance of not less than five hundred (500) feet under normal atmospheric conditions at night.

Multiple-beam road-lighting equipment required.

Section *132. Multiple-beam Road-lighting Equipment.* Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

Upper beam standard.

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.

Lower beam standard.

(b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

Beam indicator required.

(c) Every new motor vehicle, other than a motorcycle, or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Lighting required in operation on highway.

Section *133. Use of Multiple-beam Road-lighting Equipment.* (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section *112,* the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations:

Forbidding glaring on approaching vehicle.

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within one thousand (1,000) feet, such

HeinOnline -- 1955 676 1955

driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

Lower beam deemed to avoid glare.

The lowermost distribution of light specified in item 1 of section *132* (b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

Approaching from rear.

(c) Whenever the driver of a vehicle follows another vehicle within three hundred (300) feet to the rear, such driver shall use a distribution of light permissible under this act other than the uppermost distribution of light specified in paragraph (a) of section *132*.

When single beam lights permitted

Section *134. Single-beam Road-lighting Equipment.* Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one (1) year after the effective date of this act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

Standards for single beam lights.

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet.

Motor driven cycles—lighting equipment required.

Section *135. Lighting Equipment on Motor-driven Cycles.* The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

Standards.

1. Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five

HeinOnline -- 1955 677 1955

(25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) or more miles per hour.

Multiple beam.

2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section *132* (a) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section *132* (b).

Single beam.

3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Alternate lighting standards.

Section *136. Alternate Road-lighting Equipment.* Any motor vehicle may be operated under the conditions specified in section *112* when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps required in section *132* or section *134* provided, however, that at no time shall it be operated at a speed in excess of twenty (20) miles per hour.

Number of driving lights required.

Section *137. Number of Driving Lamps Required or Permitted.* (a) At all times specified in section *112,* at least two (2) lighted lamps shall be displayed one (1) on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

Maximum.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Special restrictions on lamps.

Section *138. Special Restrictions on Lamps.* (a) Any lighted lamp or illuminating device upon a motor vehicle

HeinOnline -- 1955 678 1955

other than head lamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon a highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this code.

(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment, or on any vehicle as a means for indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

Snow removal equipment—lighting standards.

Section *139. Standards for Lights on Snow-removal Equipment.* (a) The commission shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this act. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with, and so far as possible, conform with those approved by the American Association of State Highway Officials.

(b) It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Brake equipment required.

Section *140. Brakes.* (a) *Brake Equipment Required.*

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement

HeinOnline -- 1955 679 1955

of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

Motorcycles.

2. Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one (1) brake which may be operated by hand or foot.

Trailers, semi-trailers.

3. Every trailer or semitrailer of a gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

New vehicles—all wheel brakes required.

4. Every new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle, and except that any semitrailer of less than one thousand five hundred (1,500) pounds gross weight need not be equipped with brakes.

Emergency brake required.

5. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or down grade upon which it is operated.

6. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

Brake performance standards.

(b) *Performance Ability of Brakes.* Every motor vehicle or combination of vehicles at all times and under all conditions of loading shall, upon application of the service (foot) brake, be capable of decelerating and developing a braking force equivalent to such deceleration according to the min-

HeinOnline -- 1955 680 1955

imum requirements set forth herein, and also of stopping within the distances set forth herein;

	Stopping distance in feet	Deceleration in feet per second per second	Equivalent braking force in percentage of vehicle or combination weight
Passenger vehicles not including busses:	25	17	53.0%
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds:	30	14	43.5%
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or more:	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds:	50	14	43.5%

Compliance with standards set forth herein shall be determined either (1) by actual road tests conducted on a substantially level (not to exceed a plus or minus one per cent [1%] grade), dry, smooth, hard-surfaced road that is free from loose material, and with stopping distances measured from the actual instant braking controls are moved and from an initial speed of twenty (20) miles per hour, or else (2) by suitable mechanical tests in a testing lane which recreates such same conditions, or (3) by a combination of both methods.

Stopping distance shall be measured from the instant braking controls are moved and from an initial speed of twenty (20) miles per hour.

HeinOnline -- 1955 681 1955

Motor-driven cycle brake requirements.

Section *141. Brakes on Motor-driven Cycles.* (a) The board is authorized to require an inspection of the brake on any motor-driven cycle and to disapprove any such brake which they find will not comply with the performance ability standard set forth in section *140* or which in their opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

Registration may be refused for substandard brakes.

(b) The registrar may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when it has been determined that the brakes thereon do not comply with the provisions of this section.

(c) No person shall operate on any highway any vehicle referred to in this section in the event the board has disapproved the brake equipment upon such vehicle or type of vehicle.

Horn required—standard.

Section *142. Horns and Warning Devices.* (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

Siren, whistle, bells, forbidden.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

Exception—theft signal.

(c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

Emergency vehicles.

(d) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the board, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably neces-

HeinOnline -- 1955 682 1955

sary to warn pedestrians and other drivers of the approach thereof.

Mufflers required.

Section *143. Mufflers, Prevention of Noise.* (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, by-pass, or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Mirrors required.

Section *144. Mirrors.* Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle.

Windshields.

Obstructions forbidden.

Section *145. Windshields Must Be Unobstructed and Equipped With Wipers.* (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

Wipers required.

(b) The windshield on every motor vehicle shall be equipped with a device for clearing rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Restrictions on tire equipment.

Section *146. Restrictions as to Tire Equipment.* (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber

HeinOnline -- 1955 683 1955

which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

Proviso—special permits for prohibited vehicles.

(d) The commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon the highway would otherwise be prohibited under this act.

Section *147. Safety Glazing Material in Motor Vehicles.*

Safety glass required in future.

(a) On and after January 1, 1956, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material wherever glazing material is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger busses and school busses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows, and windshields in the driver's compartments of such vehicles.

"Safety glazing materials" defined.

(b) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

Certain vehicles to carry flares, warning devices.

Section *148. Certain Vehicles to Carry Flares or Other Warning Devices.* (a) No person shall operate any motor truck, passenger bus, or truck tractor upon any highway outside the corporate limits of municipalities at any time from a half (½) hour after sunset to a half (½) hour before sunrise unless there shall be carried in such vehicle

HeinOnline -- 1955 684 1955

the following equipment except as provided in paragraph (b):

1. At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to display a minimum of twenty-four (24) square inches of reflective surface, or two (2) reflecting elements; one above the other, either of which shall be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps.

2. At least three (3) red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

3. At least two (2) red-cloth flags, no less than twelve (12) inches square, with standards to support such flags.

(b) No person shall operate at the time and under the conditions stated in paragraph (a) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of paragraph (a) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.

Display of warning devices when vehicle disabled.

Section *149. Display of Warning Devices When Vehicle Disabled.* (a) Whenever any motor truck, passenger bus, truck, tractor, trailer, semitrailer, or pole trailer is disabled upon the travelled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in paragraph (b):

HeinOnline -- 1955 685 1955

Temporary emergency light.

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

Flares or reflectors.

2. As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place three (3) liquid burning flares (pot torches), or three (3) lighted red electric lanterns or three (3) portable red emergency reflectors on the travelled portion of the highway in the following order:

Location of warning lights.

(I) One (1), approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(II) One (1), approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(III) One (1), at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (I) of this section, it may be used for this purpose.

(b) Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred (500) feet from the disabled vehicle.

Divided highway—procedure.

(c) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in paragraphs (a) and (e) of this section shall be placed as follows:

One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one (1) at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one (1) at

HeinOnline -- 1955 686 1955

the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

When flags to be used.

(d) Whenever any vehicle of a type referred to in this section is disabled upon the travelled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two (2) red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, or at a distance of approximately one hundred (100) feet in advance of the vehicle, and one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle.

Explosives, flammable liquid or gas—vehicle disabled—regulations.

(e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon any highway of this state at any time or place mentioned in paragraph (a) of this section, the driver of such vehicle shall immediately display the following warning devices: one (1) red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle and two (2) red electric lanterns or portable red reflectors, one (1) placed approximately one hundred (100) feet to the front and one (1) placed approximately one hundred (100) feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

(f) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of section *148* applicable thereto.

Transporting explosives—requirements.

Section *150. Vehicles Transporting Explosives.* Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

Marking.

(a) Said vehicle shall be marked or placarded on each side and the rear with the word "EXPLOSIVES" in letters not less than eight (8) inches high, or there shall be dis-

HeinOnline -- 1955 687 1955

played on the rear of such vehicle a red flag not less than twenty-four (24) inches square marked with the word "DANGER" in white letters six (6) inches high.

Fire equipment.

(b) Every said vehicle shall be equipped with not less than two (2) fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

Additional regulations authorized.

(c) The board is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highway as it shall deem advisable for the protection of the public.

ARTICLE XV

INSPECTION OF VEHICLES

Vehicles without required equipment or in unsafe condition forbidden.

Section *151. Vehicles Without Required Equipment or in Unsafe Condition.* No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Inspections authorized.

Section *152. Inspections by Officers of the Department.* (a) The supervisor, members of the state highway patrol, and such other officers and employees of the department as the supervisor may designate, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

Inspection certificate.

(b) In the event such vehicle and its equipment are found to be in safe condition and in full compliance with the law, the officer making such inspection may issue to the driver an official certificate of inspection and approval of such vehicle specifying those parts or equipment so inspected and approved.

Notice of defects.

(c) In the event such vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment the officer shall

HeinOnline -- 1955 688 1955

give a written notice to the driver and shall send a copy to the board. Said notice shall specify the deficiencies and require that such vehicle be placed in safe condition and its equipment in proper repair and adjustment within five (5) days.

Owners and drivers to comply with inspection laws.

Section *153. Owners and Drivers to Comply With Inspection Laws.* (a) No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the supervisor or an authorized officer or employee of the department.

(b) Every owner or driver, upon receiving a notice as provided in section *152,* shall comply therewith and shall within five (5) days have the deficiencies corrected and shall forward notification of such correction to the board. In lieu of compliance with this paragraph the vehicle shall not be operated, except as provided in the next succeeding paragraph.

Operation after notice of defect forbidden.

(c) No person shall operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return such vehicle to the residence or place of business of the owner or driver, if within a distance of twenty (20) miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this act.

ARTICLE XVI

PENALTIES AND DISPOSITION OF FINES AND FORFEITURES

Penalties.

Section *154. Penalties for Misdemeanor.* (a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) or by imprisonment for not more than ten (10) days; for a second conviction within one (1) year thereafter such person shall be punished by a fine of not less than twenty-

HeinOnline -- 1955 689 1955

five dollars ($25.00) nor more than two hundred dollars ($200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment for not more than six (6) months or by both fine and imprisonment.

(c) On failure of payment of fines, the offender, in cases of misdemeanor, shall be imprisoned in the county jail in the county in which the offense has been committed, and said imprisonment shall be computed upon the basis of two dollars ($2.00) of said fine for each day's incarceration.

(d) Upon conviction the court costs, or any part thereof, may also be assessed against the defendant in the discretion of the court.

ARTICLE XVII

EFFECT OF AND SHORT TITLE OF ACT

Uniformity of interpretation.

Section *155. Uniformity of Interpretation.* This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

How cited.

Section *156. Short Title.* This act may be cited as the uniform act regulating traffic on highways.

Severability clause.

Section *157. Constitutionality.* If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Repealing certain statutes.

Section *158. Repeal.* That sections 31-107, Revised Codes of Montana, 1947, as amended by section 1, chapter 94, laws of 1949, 31-108, Revised Codes of Montana, 1947, as amended by section 1, chapter 118, laws of 1949, 31-109, 32-801, 32-802, 32-803, 32-804, 32-805, 32-806, 32-1011, 32-1015, 32-1017, 32-1101, 32-1102, 32-1103, Revised Codes of Montana, 1947, as amended by section 1, chapter 70, laws of 1949, 32-1104, 32-1105, 32-1106, 32-1107, 32-1108, 32-1109, 32-1111, 32-1132, 32-1133, 32-1134, 32-1135, 32-1136,

HeinOnline -- 1955 690 1955

32-1137, 32-1138, 32-1139, 32-1140, 32-1141, 32-1142, 32-1146, 32-1611, 32-1612, 69-1913, 69-1915, Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Section *159. Time of Taking Effect.* This act shall be in full force and effect from and after July 1, 1955. Effective July 1, 1955.

Approved March 10, 1955.

CHAPTER 264

An Act to Simplify the Organization of the State Board of Health of the State of Montana, and to Coordinate the Functions, Powers and Duties of the Board; to Make the Board, as a Board, the Central and Responsible Agency in the Field of Public Health in the State of Montana, With Respect to the Multiple Functions Assigned to It, the Powers Delegated to It, and the Duties Prescribed for It, by the Legislative Assembly; to Lodge and Concentrate in the State Board of Health, as a Board, Functions, Powers and Duties That Have Been Heretofore Assigned, or Conceived to be Assigned, to Officers, Appointees, or Employees of the Board, Whether Referred to as "Director" of a "Division" or Otherwise Referred to, Titled or Designated in Existing Legislation; to Provide That All Persons Employed by the Board, or Authorized by, for or on Behalf of the Board to Exercise Any Power or Function, or to Discharge Any Duty, Shall at All Times Act in Subordination to the Board and in Compliance With Its Rules and Regulations and Its Orders and Directives; and to Authorize the Board to Assign Duties and to Organize and Coordinate Its Internal Administration Without Regard to Titles of Appointees, or the Names or Titles of Functional Divisions or Units of Administration; Withholding From the Board, However, Authority to Create, Establish or Set Up Additional or New Functions Not Delegated to it by the Legislative Assembly; to Provide for the Organization and Administration of the State Board of Health Laboratory, and Its Services; and, in Order to Accomplish Such Purposes and Such Revisions, to Amend the Following Sections of the Revised Codes of Montana, 1947: Section 69-105 (2448) Relating to

HeinOnline -- 1955 691 1955

Functions, Powers and Duties of the Board and to Its Internal Organization and Administration, and to Control by the Board of Its Appointees and Employees; Section 69-201 Relating to Functions, Powers and Duties of the Board in the Field of Industrial Hygiene; Section 69-301 Relating to Functions, Powers and Duties of the Board in the Field of Tuberculosis Control; Sections 69-401, 69-403, and 69-404, Relating to Functions, Powers and Duties of the Board in the Field of Dental Health; Sections 69-502, 69-506, and 69-519, Relating to Functions, Powers and Duties of the Board in the Field of Vital Statistics, and to the Accounting for Fees Received; Sections 69-901 (2540) Relating to Functions, Powers and Duties of the Board in the Field of Epidemic, Communicable and Other Diseases and to the Person Appointed by the Board and Described as State Epidemiologist or Otherwise, Under the Board; Section 69-1101 (2562) Relating to the Functions, Powers and Duties of the Board in the Field of Venereal Disease; Section 69-1102, Relating to the Acceptance and Disbursement of Federal Moneys for the Suppression of Venereal Disease; Sections 69-2802, 69-2803, 69-2804, 69-2805, 69-2807, 69-2808, 69-2810, 69-2813, Relating to the Functions, Powers and Duties of the Board in Connection With Cold Storage of Food for Human Use, Refrigerated Lockers, Issuance and Cancellation of Licenses; License Fees; Prosecutions for Violations, and Rules and Regulations in the Exercise of Such Functions, Powers and Duties in Such Field; Section 69-3003, Relating to the Functions, Powers and Duties of the Board in the Field of Hospital Survey and Construction; Sections 71-706, 71-707, and 71-710, Relating to Definitions, Organization and Administration of Activities of the State Department of Public Welfare Pertaining to Child Welfare Services; and to Enact Under Title 69, Revised Codes of Montana, 1947, Entitled "Public Health and Safety", a Chapter to be Numbered Chapter 32, to be Entitled, "State Board of Health — Maternal and Child Health — Services for Crippled Children; Education for Children and Adults With Respect to Use and Abuse of Narcotics"; and to State and Define in Sections Numbered 69-3201 Through 69-3205, Inclusive Under Said Chapter 32, the Functions, Powers and Duties of the Board in the Fields of (A) Maternal and Child Health, and (B) Services for

HeinOnline -- 1955 692 1955

Crippled Children, in Lieu of the Sections on Each of Said Subjects Repealed or Amended Hereby, and to Provide Against Duplication of Services by Said Board and the State Department of Public Welfare, and for Cooperation With the State Superintendent of Public Instruction, and (C) in the Field of Narcotic Education, in Lieu of Sections 54-206, 54-207, 54-208, and 54-209, Repealed Hereby; and to Repeal Sections 10-401 (2503), 10-402 (2504), 10-403 (2505), 10-404 (2506), 10-405 (2507), 10-406 (2508), 10-407 (2509), and 10-408 (2510) Revised Codes of Montana, 1947, and to Repeal Sections 69-106 (2449), 69-108 (2451), 69-302, and 69-903 (2542), Revised Codes of Montana, 1947, and to Repeal Sections 71-701, 71-702, 71-703, 71-704, and 71-705, Revised Codes of Montana, 1947; Providing for the Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 69-105 (2448) of the Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Functions, powers and duties of board of health.

"Section 69-105 (2448). *Functions,* **Powers and Duties of Board.** The state board of health *of the State of Montana (which may, for brevity, be referred to as the state board of health)* shall have general supervision of the interests *of* health and life of the citizens of the state. *The board* shall *continuously* study the vital statistics of the state, and endeavor to make intelligent use of the records of *births*, deaths and sickness among the people; *it* shall make sanitary investigations and inquiries regarding the causes of disease, and especially communicable diseases and epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and *other factors and* circumstances *affecting* the health of the people; *it* shall gather such information in respect to all these matters as *it* may deem proper for diffusion among *and use by* the people; *it* shall *cause to be made an* inspection *at least* once in each year, and at such other times as *it* may be directed to do so by the governor, of all public institutions *of the State of Montana,* and make a report as to their sanitary conditions *and environment,* with suggestions and recommendations to *the governor* and to *their* respective boards of directors or trustees, *visitors, officers and administrators for amelioration or abatement of condi-*

HeinOnline -- 1955 693 1955

tions and factors adverse to health, and for correction, betterment and improvement in circumstances or practices affecting health, at such institutions; and it shall be the duty of the executive officers and administrators, and other persons in the immediate charge of such institutions to furnish all the facilities necessary for a thorough investigation and inspection at such institutions; the board shall, when requested, or when *it* shall deem best, advise officers of the government, or other boards within the state, in regard to location, drainage, water supply, disposal of excreta, heating, *plumbing, sewerage systems,* and ventilation of any public institution or building; *it* shall have general oversight and direction of the enforcement of the statutes respecting the preservation of the health and the prevention of the spread of communicable diseases; *it* shall have general supervision of the work of local and county board of health, herein after defined, and *it* shall, at *the opening* of each session of the *legislative assembly,* submit *to the assembly,* through the governor, a full report of *all of its* investigations, and such suggestions and recommendations *which result from such investigations, and, also, such additional information and recommendations in the matter of public health in this state,* as *it shall* deem proper.

The state board of health shall as a board exercise all powers and all duties found, conferred, prescribed or delegated, in any of the codes, session laws, and statutes of the State of Montana, which are, or have been delegated to the state board of health, as such, or which are, or have been, delegated, or assumed to be delegated, to any division, director or chief of division, bureau, or other functional unit, appointee, or employee, of the board, by acts of the legislative assembly, and all divisions, sections, units, directors, appointees and employees of the board shall exercise authority at all times in subordination to, and in compliance with, the orders and directives of the board in its administration of such laws, functions, powers and duties. The state board of health, as such is hereby charged with the responsibility of exercising the powers and functions, and discharging, executing and carrying out the duties, heretofore, or at any time hereafter, delegated to it by the legislative assembly, but nothing herein contained shall prevent the board from assigning the execution of its powers and duties, in specified detail, to its appointees and employees, subject at all times to the continuing control of the board. To the end of ef-

HeinOnline -- 1955 694 1955

ficient administration, the board shall have power to direct the necessary internal organization of all employees, appointees, and functional divisions, units, and sections of the board. The board shall properly and effectively integrate and coordinate all personnel and services under its jurisdiction, in accord with efficient administrative, professional and technical practices, without regard to the title of persons, positions or functional divisions, sections or units which may have heretofore been authorized or recognized; provided, however, that nothing in this act shall be construed (a) as authorizing the exercise of powers or the discharge of duties not delegated to the board by act of the legislative assembly, or reasonably implied from delegated powers, or (b) as authorizing the board to create, establish or set up functions not delegated to it by acts of the legislative assembly. In all cases where the terms 'divisions', 'section' or 'unit' of the board is referred to in the laws of this state, such terms shall be construed as referring to functions and powers of the board, and not to any numerical subdivision among the members of the board, or, in any case, to appointees, or employees of the board."

Certain terms construed.

Section 2. *Laboratory Services. The state board of health is hereby authorized and directed to organize and administer such laboratory services as it deems necessary to carry out any duties and responsibilities in the field of public health which have been delegated to it by the legislative assembly of Montana; and for such purposes to provide equipment, facilities, and qualified personnel, the technical qualifications of which personnel the board shall determine and, as may be permitted from time to time within appropriations by the legislative assembly. The laboratory services shall be organized so as to provide for technical procedures in the fields of bacteriology, serology, chemistry, and toxicology, with particular reference to subjects under the board's powers as assigned to it by the laws of Montana including water supplies, sewage and waste disposal, foods, drugs, poisons, insecticides, fungicides, rodenticides, industrial hygiene, communicable disease and other diseases or conditions which may from time to time afflict mankind in the State of Montana and be susceptible to control, suppression or eradication, or require study and analysis to determine the existence of circumstances which are, may be, or are alleged to be, detrimental to health.*

Laboratory services to be organized and administered.

HeinOnline -- 1955 695 1955

Amending clause.

Section 3. Section 69-201, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Board to administer industrial hygiene law.

"Section 69-201. **Industrial Hygiene.** *The state board of health, as such, shall possess, exercise and administer all of the powers, functions and authority, and shall carry out, discharge and execute all of the duties, in the field of industrial hygiene, as set forth in sections 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, and 69-208, Revised Codes of Montana, 1947. The expression in such sections 'division of industrial hygiene' is hereby defined to mean the state board of health of the State of Montana, as a board, in the field of industrial hygiene as prescribed by said sections.*"

"Division of industrial hygiene" means board of health.

Amending clause.

Section 4. Section 69-301, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Board to conduct tuberculosis control.

"Section 69-301. **Tuberculosis Control.** *The state board of health is hereby invested with the function of studying and collecting all relevant data pertaining to the appearance and incidence of tuberculosis within this state, and with promulgating such measures and practices as may make for its control, and the recovery of persons afflicted thereby, and to such ends, the board shall possess, exercise, and administer all of the powers, and shall carry out, discharge and execute all of the duties, in the field of tuberculosis control, as set forth in section 69-303, Revised Codes of Montana, 1947. The board shall appoint a technically trained and competent person who shall exercise the functions and carry out the duties assigned to him by the board in compliance with its orders, rules and regulations.*"

Amending clause.

Section 5. Section 69-401, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Board to manage dental health program and appoint director.

"Section 69-401. **Dental Health.** *The state board of health is hereby directed and authorized to develop and administer a program of dental public health. The state board of health shall appoint a full-time director of dental health, qualified as prescribed by section 69-402, Revised Codes of Montana, 1947, and who shall be under its direct supervision. The state board of health shall also provide*

HeinOnline -- 1955 696 1955

such other staff and facilities as are needed in carrying out the purposes of this act.''

Amending clause.

Section 6. Section 69-403, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Director of dental health—duties.

''Section 69-403. **Duties, Director of Dental Health.** The duties of the *director* of dental health shall be the development and promotion of those activities which result in the protection and improvement of the dental health of the people of the state.''

Amending clause.

Section 7. Section 69-404. Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Rules, regulations, supervision of dental health program by board.

''Section 69-404. **Rules and Regulations by State Board of Health.** The state board of health shall adopt rules and regulations for the proper administration of this act. The state board of health through the *director* of dental health shall have supervision over the dentists employed by municipalities, counties, *health departments,* school districts and *state* institutions.''

Amending clause.

Section 8. Section 69-502, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Duties of board re vital statistics.

''Section 69-502. *Vital Statistics Functions of Board.* The state board of health shall, *as one of its functions:*

(1) *Establish and identify an appropriate organizational unit under the board with the proper personnel, equipment and office space, to gather, collect, register, record, compile, preserve, analyze, use and make available for public use, vital statistics, as defined, and as set forth and referred to, in sections 69-501 through 69-539, inclusive, Revised Codes of Montana, 1947, except that the expression 'bureau of vital statistics', as used in any of said sections may be changed by the board, in establishing and identifying such organizational unit;*

''(2) Install a statewide system of vital statistics;

''(3) Make and may amend necessary regulations, give instructions and prescribe forms for *gathering,* collecting, *registering, recording,* compiling, preserving, *using and making use of public* vital statistics;

HeinOnline -- 1955 697 1955

"(4) *Have charge and be the official custodian of all the files and records gathered under the provisions of said sections 69-502 through 69-539, Revised Codes of Montana, 1947, and as the same may be amended and supplemented; and*

"*(5) Enforcing this act, and the regulations made pursuant thereto.*"

Amending clause.

Section 9. Section 69-506, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Duties of state registrar.

"Section 69-506. **Duties of State Registrar.** The state registrar shall, *under such rules and regulations as the board may prescribe keep and have immediate charge and custody, for the board, and subject to complete access by it at any time, its files and records in the field of vital statistics, aid the board in the enforcement of this act and the rules and regulations promulgated by it and in supervising local registrars and other persons required to comply with this act. The state registrar shall prepare for the board a biennial report of the administration of this act, in such detail and form as the board may prescribe.*"

Biennial report to board.

Amending clause.

Section 10. Section 69-519, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Fees— board to account, remit to treasurer.

"Section 69-519. **Accounting for Fees.** *The state board of health shall designate one (1) or more employees who shall, subject to the continuing supervision of the board, keep, in such detail and form as the board may prescribe, an account of all fees received, and remit such fees to the state treasurer in accordance with the laws of Montana. The board shall charge one (1) of such employees with primary responsibility for the receipt of, accounting for, and remittance of such fees, and the employees so designated with primary responsibility shall give a fidelity bond to the State of Montana, with corporate surety which bond and surety shall be approved by the board, in the penal sum of three thousand dollars ($3,000.00) for the proper keeping, accounting and remittance of all such fees. Other designated employees may be required by the board to give to the State of Montana similar bonds in such lesser amounts as the board may deem proper and adequate.*"

Bond required, authorized.

HeinOnline -- 1955 698 1955

Amending clause.

Section 11. Section 69-901, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Board may employ epidemiologist—qualifications.

"Section 69-901 (2540). **State Epidemiologist. — Employment and Powers.** The state board of health of *the State of* Montana is hereby authorized and empowered to employ *a regularly qualified physician and surgeon licensed to practice such professions in the State of Montana, and who, in addition to such qualifications shall be a technically trained and competent public health physician; such person may be described by the board as state epidemiologist or described and referred to as disease control officer or by such other title as the board may designate.*"

Amending clause.

Section 12. Section 69-1101, Revised Codes of Montana, 1947, and shall be, and the same is hereby amended to read as follows:

Board to cooperate with federal authorities to control venereal diseases.

"Section 69-1101 (2562). **Venereal Diseases — Authority of State Board** *of Health* **to Cooperate With Federal Authorities in Suppression.** For the purpose of prevention, control and treatment of venereal diseases, the state board of health shall have authority to cooperate in *the* State *of Montana with the federal public health service created by acts of the congress of the United States, including section 246 under chapter 6A, title 42, United States code, annotated, and acts hereafter amendatory thereof and supplemental thereto, and acts of the congress of the United States appropriating money for such activities, as such appropriations are, from time to time, made by the congress. The state board of health shall, itself, irrespective of appropriations, if any, made by the congress to the state for the prevention, control and treatment of venereal diseases, undertake to prevent, control and prescribe treatments for such diseases in such ways and by such means, including education campaigns, as may be practicable, and within the limits of funds supplied for such purposes by the legislative assembly. In carrying out and discharging the duties hereby assigned to it in the field of venereal disease, the board may appoint such personnel, to serve subject to its orders and directives, as may be reasonably necessary to realize the objectives in the field, and as may be compensated within the limits of appropriations made by the legislative assembly, or by the congress.*"

Board may operate independently of federal authorities.

HeinOnline -- 1955 699 1955

Amending clause.

Section 13. Section 69-1102, Revised Codes of Montana, 1947, shall be, and same is hereby amended to read as follows:

Treasurer to accept federal money for venereal disease control—board to control.

"Section 69-1102. (2563) **Acceptance and Disbursement of Federal Moneys** *for Control of Venereal Disease.* The state treasurer is hereby authorized to accept, under the conditions of said acts of congress, *and other acts applicable to the subject matter,* and to disburse, under the direction *and control* of the state board of health *in compliance with such acts,* all moneys received by *or allocated to* the State of Montana, under said acts of congress, or otherwise allotted and paid to the State of Montana by the government *of the United States* for the prevention, control and treatment of venereal diseases.

Amending clause.

Section 14. Section 69-2802, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Terms defined.

"Section 69-2802. **Definitions.** Except where the context indicates a different meaning, terms used in this act shall be defined as follows:

"Refrigerated locker" or "locker."

"(a) 'Refrigerated locker' or 'locker' means any place, premises or establishment where facilities for the cold storage and preservation of human food in separate and individual compartments are offered to the public upon a rental or other basis providing compensation to the person offering such services.

"Person."

"(b) 'Person' includes any individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaging in the business of operating or owning or offering the services of refrigerated lockers as above defined.

"Board."

"(c) The term *'board'* means the state board of health of *the State of* Montana."

Amending clause.

Section 15. Section 69-2803, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Locker license required.

"Section 69-2803. **License Required.** No person hereafter shall engage within this state in the business of owning, operating or offering the services of any refrigerated locker or lockers without having obtained from the *board* a license for each such place of business. Application for

HeinOnline -- 1955 700 1955

such license shall be made in writing and under oath to the *board,* on such forms and with such pertinent information as *it* may deem necessary. Such licenses shall be granted as a matter of right, unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth, *and subject to the right of applicant for license to hearing and judicial review as hereinafter set forth.''*

Amending clause.

Section 16. Section 69-2804, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

''Section 69-2804. **Fee — Term of License.**

License fee.

''(a) There shall be paid to the *board* with each application for a refrigerated locker license or for renewal of such license an annual license fee of ten dollars ($10.00).

License term.

''(b) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by paying the required annual license fee. Such license fee shall not be transferable to any person nor be applicable to any location other than that for which originally issued. Application made after July 1st of each year shall be entitled to such license for the remainder of the year on payment of a fee of five dollars ($5.00).''

Half-year fee.

Amending clause.

Section 17. Section 69-2805, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

''Section 69-2805. **Cancellation or Suspension of License — Procedure.**

Cancellation or suspension of license.

''(a) The *board* may cancel or suspend any such license if *it* finds after proper investigation that (1) the licensee has violated any provisions of this act or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any act the administration of which is in the charge of the state board of health of Montana, or (2) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten (10) days after receipt from the *board* of written notice to do so.

HeinOnline -- 1955 701 1955

Prerequisite statement of grounds.

"(b) No license shall be *denied,* revoked or suspended by the *board* without delivery to the *applicant or* licensee of a written statement of the *grounds therefor or the* charge involved and an opportunity to answer *at public hearing* such charge within ten (10) days from the date of such notice.

Hearing.

Review.

"(c) Any order made by the *board* suspending or revoking any license may be reviewed by *application for writ of review (*certiorari*) commenced* in the District Court of the county in which the licensed premises are located, within ten (10) days from the date notice in writing of the *board's* order revoking or suspending such license has been served upon him.

County attorney to prosecute violations.

"(d) It shall be the duty of each county attorney to whom any violation of this act is reported to cause appropriate proceedings to be instituted and prosecuted in the district court in the county without delay, provided, however, that nothing in this act shall be construed as requiring the *board* to report for prosecution minor violations of the act whenever *it* believes that the public interest will best be served by a suitable notice of warning in writing."

Board discretion.

Amending clause.

Section 18. Section 69-2807, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

"Section 69-2807. **Rules and Regulations — Cooperative Agreements.**

Board to make rules and regulations.

"(a) The *board* is hereby empowered to prescribe and to enforce such rules and regulations and to make such definitions, and to prescribe such procedure with regard to hearings, as *it* may deem necessary to carry into effect the full intent and meaning of this act.

Agreements.

"(b) The *board* is hereby authorized to enter into cooperative agreements with any of the state agencies or political subdivisions and *it* may delegate authority to these state agencies or political subdivisions for the purpose of carrying out the provisions of this act, or any part thereof."

Amending clause.

Section 19. Section 69-2808, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Inspections authorized.

"Section 69-2808. **Inspections.** The *board, through such*

HeinOnline -- 1955 702 1955

of its members, officers or agents as it may authorize, shall cause to be made periodically a thorough inspection of each establishment licensed under this act to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state applicable to the operation either of refrigerated lockers or of the handling of human food in connection therewith, and of all regulations effective under this act relative to such operation. Such inspection shall also be made of each vehicle used by operator of refrigerated lockers or of an establishment handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from refrigerated lockers within this state."

Amending clause.

Section 20. Section 69-2810, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Subpoena power.

"Section 69-2810. *Authority of Board to Issue Subpoenas.* In any proceeding under this act the *board* may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the State of Montana."

Amending clause.

Section 21. Section 69-2813, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Lien of operator for charges.

"Section 69-2813. **Lien of Operator for Charges — Requirements on Receipt of Game, Veal and Beef.** Every operator of a locker shall have a lien upon all the property of every kind in his possession for all lockers' rentals, processing, handling or other charges due. Such lien may be foreclosed under the procedure as provided for chattel mortgages.

Beef, veal or game— requirements for receipt.

"Locker owners and operators shall not be responsible for liability for violations of game or other laws by renters unless the contents of the locker are under the control of the locker plant operator. Except that operator shall not receive for processing quick freeze, or cold storage any quarter, half, or whole carcass of any beef or veal or game or game birds except that such carcass or portion herein mentioned, shall be properly stamped or tagged. In the event that carcass or portion herein mentioned shall not

HeinOnline -- 1955 703 1955

Untagged meat, written declaration of authority required.

be properly stamped or tagged, said operator shall require a declaration to be made and signed showing required authority to said carcass or portion thereof described with the detail of obtaining possession, date of placing in the locker, the weight and the type of meat, said declaration must be kept as a matter of record for one (1) year open to inspection by a duly authorized agent of the *board.*''

Amending clause.

Section 22. Section 69-3003, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Hospital survey and construction.

''Section 69-3003. **Administration — Hospital Survey and Construction.** *The state board of health of the State of Montana shall possess, exercise and carry out, in the field of hospital survey and construction, the powers, functions and duties assigned to it by law and for all such purposes* the board shall constitute the sole agency of the State *of Montana. Specifically, the board is hereby charged with the duties of*

Board's duties

''(1) Making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction, as provided in sections 69-3006 to 69-3008, and,

''(2) Developing and administering a state plan for the construction of public and other non-profit hospitals as provided in sections 69-3009 to 69-3016.''

Amending clause.

Section 23. Section 69-3004, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

General powers, duties of board.

''Section 69-3004. **General Powers and Duties.** In carrying out the purposes of the act, the board is authorized and directed:

''(a) To require such reports, make such inspections and investigations and prescribe such regulations as it deems necessary;

''(b) To provide such methods of administration, appoint a director and other personnel and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

''(c) To procure in its discretion the temporary or intermittent services of experts or consultants, or organiza-

HeinOnline -- 1955 704 1955

tions thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

"(d) To the extent that it considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

"(e) To accept on behalf of the state and to deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and to expend the same for such purpose;

"(f) To make an annual report to the governor on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the board considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state."

New chapter added to Title 69, R.C.M., 1947.

Section 24. That there is hereby added an additional chapter to and under title 69, "public health and safety", Revised Codes of Montana, 1947, to be numbered chapter 32, under said title 69, said chapter 32 to be entitled, "state board of health — maternal and child health services — educative program — school nurses — supervision by board — authority of counties and school boards — services for crippled children — education for children and adults in use and abuse of narcotics" and to contain five (5) sections numbered, successively, as sections 69-3201, 69-3202, 69-3203, 69-3204, and 69-3205, Revised Codes of Montana, 1947, as follows:

Maternal and child health program authorized.

"Section 69-3201. **Maternal and Child Health Protection — Health Education Program.** The state board of health is hereby authorized and directed to continue to develop and administer a program for the better protection of the health of mothers and children in the state, pursuant to the purposes of the program inaugurated by the State of Montana by chapter 121, laws of 1917. The board shall make and enforce sanitary and hygienic regulations designed to promote the health and well-being of mothers and children; it shall carry on continuously a campaign of health education in their interest; and it shall take all reasonable and proper measures for the effective protection of the health of mothers and children; however, nothing in this act shall be construed or operate so as to interfere in

HeinOnline -- 1955 705 1955

any way with the exercise of the child's or parent's religious belief, as to the examination for or in the treatment of diseases; provided, that quarantine regulations relating to contagious or infectious diseases are not infringed upon.

"Section 69-3202. **School Nurses — County Nurses — Supervision — Rules and Regulations.**

School nurses may be employed by school boards.

"(a) School boards may employ, in their discretion, regularly qualified nurses, duly registered in the State of Montana, to act as school nurses. In sparsely settled communities two (2) or more school boards may unite and employ a school nurse, the salary of such nurse being paid pro rata according to the assessed valuation in the school districts.

County commissioners may employ nurse.

"(b) County commissioners are hereby authorized at such time as they deem necessary, to employ regularly qualified nurses, to be known as county nurses, for duties pertaining to maternal and child health.

Board of health to supervise public nurses in program.

"(c) The state board of health is hereby constituted the agency of the State of Montana to supervise and regulate school, county and public health nurses in the performance of their duties under all such employments; and the board shall make, publish, and from time to time, revise and amend, as necessary, and, at all times, enforce suitable rules and regulations governing the qualifications and professional activities, duties, services and administrations of school, county and public health nurses, as such, and all such regulations when properly adopted, properly identified and reasonably adequate to protect public health, shall have the force of law. In formulating such rules and regulations, and in its supervisory functions, the board shall consult with the state superintendent of public instruction, with respect to health measures in the schools and the board shall cooperate generally with school boards, and with city, county and local boards of health, in all such matters, and it shall instruct and encourage all such nurses on all matters of school or public health.

Board to prepare report forms.

"(d) The board shall cause to be prepared and distributed to the school, county and public health nurses all necessary report forms and blanks, and it shall be the duty of all such nurses to execute such forms and blanks promptly, informatively and accurately, in compliance with the board's requirements."

HeinOnline -- 1955 706 1955

"Section 69-3203. **Services for Crippled Children.** The state board of health is hereby authorized and directed to develop and administer a program for services to crippled children, which shall have for its purpose, as far as practicable under the conditions existing in the State of Montana, to supply, extend and improve the services designated by this act for crippled children in the State of Montana. These services shall consist of locating such children and providing diagnosis, medical, surgical and corrective treatment, after-care and related services for children who are crippled, or who are suffering from conditions which lead to crippling; and the board may, in its discretion, within the limits of its funds, provide services for children who are afflicted with or suffering from rheumatic fever, or heart diseases, and who are totally incapacitated for education or for remunerative occupation. Special attention shall be given to this program in rural areas and in areas suffering from severe economic distress. The board shall do all things that are necessary to carry out this program, in so far as means are available and conditions in this state justify, and shall proceed in conformity with the social security act of the United States, rules and regulations promulgated by the U. S. children's bureau, and the statutes of the State of Montana."

Crippled children service authorized.

Board's powers, conformity with federal regulations.

"Section 69-3204. **Narcotic Education.**

"(a) The state board of health is hereby authorized and directed to establish and administer as part of its public health education activities, a program of narcotic education, whereby it shall carry to the general public and to and in all educational institutions in Montana, from the elementary school through the institutions of higher learning, the scientific facts concerning narcotic drugs, their use and abuse.

Narcotic education program authorized.

"(b) The state board of health is authorized and hereby empowered to appoint and employ a health educational consultant with special training in narcotic education to carry out the provisions of this act, who shall be under the merit system and whose educational qualifications shall meet merit system requirements of other health education consultants."

Board may employ consultant.

"Section 69-3205. **Appointment of Personnel to Execute Function and Activities, Under Chapter 32, Title 69, Revised Codes, 1947.** The state board of health shall appoint

Board authorized to employ necessary personnel.

HeinOnline -- 1955 707 1955

and employ such personnel as are necessary to carry out and execute effectively the functions, activities, and the duties and responsibilities with which the board is charged under this chapter 32, title 69, added hereby to said title of the Revised Codes of Montana, 1947, in (a) the field of maternal and child health, including the supervision of nurses employed by the state, cities, counties, and by school boards, (b) in the field of services for crippled children, and (c) in the field of narcotic education, including such technically qualified or technically trained, and competent personnel as may be required for each of such fields, within the limits of appropriations by the legislative assembly, or within the limits of grants and allowances from the United States, or of contributions, donations, and gifts from philanthropic foundations, corporate or otherwise, or from any other donors for any of such purposes. The acceptance of such contributions, donations and gifts, and the use of the funds derived therefrom by the state board of health is hereby authorized. The state board of health and the state department of public welfare shall carefully coordinate their respective services to avoid any conflict or duplication."

Board to coordinate with department of public welfare.

Amending clause.

Section 25. Section 71-706, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

"Section 71-706. **Definition As Used in This Chapter.**

Terms defined.

"(*a*) Child welfare services mean: The establishing, extending and strengthening of child welfare services (especially in predominantly rural areas) for the protection and care of homeless, dependent and neglected children, and children in danger of becoming delinquent.

"(*b*) Child welfare worker means: Staff personnel who have had education and training in the field of child welfare and who are qualified and accepted as such in conformity with the standards established by the state department of public welfare."

Amending clause.

Section 26. Section 71-707, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

Child welfare services administered by welfare department.

"Section 71-707. **Organization and Administration of Activities.** Child welfare services and child protection

HeinOnline -- 1955 708 1955

functions shall be organized under and administered and supervised by the state department of public welfare, subject to the general administration and regulations of the state department and the powers and duties thereof as established in sections 71-201 to 71-232, and providing for cooperation and exchange of services with the *state* board of health and vocational rehabilitation bureau *of the State of Montana.*''

Amending clause.

Section 27. Section 71-710, Revised Codes of Montana, 1947, shall be, and the same is hereby amended to read as follows:

''Section 71-710. **Child Rehabilitation.** The state department shall:

Welfare department to administer laws pertaining to children.

''(*a*) Enforce all laws pertaining to children and take the initiative in all matters involving the interest of illegitimate, dependent, neglected and delinquent children where adequate provision therefor has not been made by law; and to use funds available for cases where special medical or material assistance is necessary to rehabilitate subnormal or physically handicapped children and where it is not otherwise provided for by law; and cooperate for the purposes hereof with all reputable child helping and child placing agencies.

Inspect child care and placement homes, agencies.

''(*b*) Inspect, license and supervise public and private infants' homes, child caring and child placing institutions and agencies.''

Repealing certain sections.

Section 28. Sections 10-401 (2503), 10-402 (2504), 10-403 (2505), 10-404 (2506), 10-405 (2507), 10-406 (2508), 10-407 (2509), and 10-408 (2510), Revised Codes of Montana, 1947; and,

Sections 54-206, 54-207, 54-208, and 54-209, Revised Codes of Montana, 1947; and,

Sections 69-106 (2449), 69-108 (2451), 69-302, and 69-903 (*2542*), Revised Codes of Montana, 1947; and,

Sections 71-701, 71-702, 71-703, 71-704, and 71-705, Revised Codes of Montana, 1947, are, and each of said sections is hereby repealed.

Effective immediately.

'Section 29. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

HeinOnline -- 1955 709 1955

CHAPTER 265

An Act Relating to the Study of the Tax Structure of the State of Montana and Its Political Subdivisions and the Reorganization and Consolidation of the Government of the State of Montana: Declaring the Purposes of This Act; Creating the Commission on Reorganization of State Government and Prescribing the Powers and Duties of Said Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. It is the purpose of this act to provide for a thorough, complete and constructive study *of the tax structure of the State of Montana and its political subdivisions* and review of the entire organization and structure of state government in Montana and of every department, institution, board and other agency of the state government and the functions thereof for the purpose of developing and recommending a program of improvement and economy which will promote efficiency in the operation of state government; to review and analyze the various activities, functions, departments and boards of the state government and recommend the consolidation, reorganization or abolishment of those not deemed essential to the welfare of the people of the state.

"Commission on reorganization of state government" created.

Composition.

Section 2. There is hereby created a commission on reorganization of state government to be composed of *six (6)* members of the house of representatives who shall be appointed by the speaker of the house of representatives, no more than *three (3)* of whom shall be of the same political party, and *six (6)* members of the state senate who shall be appointed by the committee on committees of the state senate, no more than *three (3)* of whom shall be of the same political party. The members of the commission shall be appointed within fifteen (15) days after the passage and approval of this act.

Organization.

Section 3. The commission shall organize within thirty (30) days after the passage and approval of this act by electing one (1) of its members chairman and by electing such other officers from among its membership as the commission may deem desirable. The commission is empowered to adopt rules of procedure and to make all arrangements for its meetings and to carry out the purposes for which

HeinOnline -- 1955 710 1955

it is created. The commission shall keep accurate records of its activities and proceedings.

Power of employment.

Section 4. The commission may employ an executive director and such other personnel, not members of the commission, as it deems necessary to assist in the preparation of its recommendations, statistics, proposed legislative acts and any other of its activities and shall fix the compensation of such employees. All members of the commission shall receive actual traveling and other expenses incurred in the discharge of their duties, including attendance at meetings. The commission may delegate to an executive committee or committees or subcommittees consisting of its own members any authority, responsibility or duties deemed appropriate and necessary for efficient operation. All expenses of the Commission shall be paid from the moneys appropriated or otherwise obtained as hereinafter provided in the usual manner of payment of claims against the state.

Public hearings, investigations, surveys.

Section 5. The commission is empowered to hold public hearings and to make such investigations and surveys as it deems desirable. All departments, institutions, agencies, boards and divisions of the state government shall make available without charge the service of their personnel, as well as records, statistics and data necessary or convenient to fulfill the purpose of this act. *The political subdivisions of the State of Montana shall make available records, statistics and data necessary or convenient to fulfill the purposes of this act.* The commission shall make use of such information regarding reorganization plans, programs and recommendations of this state and of other states and of the United States and of other public or private agencies as may be available without cost to the state.

Government departments to cooperate.

Report to Secretary of state.

Expiration Dec. 31, 1956.

Section 6. The commission shall prepare a comprehensive report of its activities and the results of its studies, and shall deliver three (3) copies thereof to the secretary of state on or before the 31st day of December, 1956, at which date the commission shall cease to exist. On the first day after the convening of the thirty-fifth legislative assembly the secretary of state shall deliver one (1) copy of said report to the lieutenant governor and one (1) copy thereof to the speaker of the house, and one (1) copy thereof shall remain on file in the office of the secretary of state. The report of the commission may propose such constitutional

HeinOnline -- 1955 711 1955

amendments, legislative enactments, and administrative improvements as in its judgment are necessary to carry out its recommendations.

$40,000.00 appropriated.

Section 7. There is hereby appropriated the sum of forty thousand dollars ($40,000.00) for the period beginning on the passage and approval of this act and expiring December 31, 1956 for the purpose of carrying out the provisions of this act. It is provided, however, any encumbered expenses or obligated claims incurred prior to December 31, 1956, and not paid, will be chargeable to this appropriation.

Severability clause.

Section 8. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Effective immediately.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 266

An Act to Amend Section 23-902 of the Revised Codes of Montana, as Amended by Section 12 of Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953; to Amend Section 23-909 of the Revised Codes of Montana, 1947; to Amend Section 23-929 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 64 of the Session Laws of the Thirty-second Legislative Assembly, 1951; to Amend Section 23-1002 of the Revised Codes of Montana, 1947, as Amended by Section 13 of Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953; to Amend Section 23-1006 of the Revised Codes of Montana, 1947, as Amended by Chapter 55 and by Section 14 of Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953, and Sections 23-1007 and 23-1008 of the Revised Codes of Montana, 1947, as Amended by Sections 15 and 16 of Chapter 214 of the

HeinOnline -- 1955 712 1955

Laws of the Thirty-third Legislative Assembly, 1953, Relating to Primary Elections, the Purpose Thereof, Candidates to be Nominated, Expression of Choice and Preference for Nomination for President of the United States, Manner of Placing Names of Candidates for President on Primary Ballot, Form of Petition for Nomination, With Number of Signers Thereon, Date of Holding Primary Election, Providing That Political Party Nominations Still be Made Exclusively as Herein Provided, Providing for the Election and Organization of County and City Central Committeemen and Committeewomen; Providing for Exclusive Method of Selecting Presidential Electors and Delegates to National Political Conventions, Time for Holding State Convention, Membership Thereof and Conduct of Said Convention, Payment of Convention Expenses and Repealing Chapter 64 of the Session Laws of the Thirty-second Legislative Assembly, 1951, Chapter 214 of the Session Laws of the Thirty-third Legislative Assembly, 1953, Sections 23-1003 and 23-1005 of the Revised Codes of Montana, 1947, and All Other Acts and Parts of Acts in Conflict Herewith Except as Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 23-902 (632) as amended by chapter 214 of the laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended to read as follows:

Date of holding primary election.

"23-902. (632) **Date of Holding Primary Election — Purpose of.** On the *first* Tuesday of June, preceding any general election not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections, at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this *act* in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this *act,* for *United States senators and representatives,* in congress and all other elective state, district and county officers, and delegates to any constitutional convention or con-

Purpose of primary.

HeinOnline -- 1955 713 1955

ventions that may hereafter be called, who are to be chosen, at the ensuing election wholly by electors within the state, or any subdivision of this state, *for the purpose of expressing preferences for candidates for president of the United States,* and also for choosing and electing county central committeemen *and committeewomen* by the several parties subject to the provisions of this *act.*''

Presidential preference.

Amending clause.

Section 2. That section 23-909 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Exclusive system for party nominations, when.

''23-909 (639) **Political Party Nominations Made Exclusively As Herein Provided.** Every political party which has cast three per centum (3%) or more of the total vote cast for representative in congress at the next preceding general election in the county, district or state for which nominations are proposed to be made, shall nominate its candidates for public office in such county, district or state, under the provisions of this law, and not in any other manner; and it shall not be allowed to nominate any candidate in the manner provided by section 23-801. Every political party and its regularly nominated candidates, members, and officers, shall have the sole and exclusive right to the use of the party name and the whole thereof, and no candidate for office shall be permitted to use any word of the name of any other political party or organization than that of and by which he is nominated. No independent or non-partisan candidate shall be permitted to use any word of the name of any existing political party or organization in his candidacy. The names of candidates for public office nominated under the provisions of this law shall be printed on the official ballots for the ensuing election as the only candidates of the respective parties for such public office in like manner as the names of the candidates nominated by other methods are required to be printed on such official ballots.

Certain parties nominate otherwise.

Any political party that did not cast three per centum (3%) or more of the total vote cast for representative in congress, as above, and any new political party about to be formed or organized, make nominations for public office as provided in section 23-801. *At the primary election herein provided, of each year in which a president and vice-president of the United States are to be nominated and elected, the several political parties recognized by the laws*

Presidential preference—procedures.

HeinOnline -- 1955 714 1955

of this state shall express their popular choice for the party nomination for the president of the United States. That the names of persons desirous of becoming candidates for president shall have their names placed on the primary ballot, provided for herein, in the following manner:

Candidate may file.

1. *Any person who is a candidate for the nomination of his party for president of the United States, may, beginning sixty (60) days prior to the said June primary, and not later than forty (40) days prior to said election, file with the secretary of state, an affidavit of candidacy, requesting that his name be entered on the presidential primary ballot of his party, stating in said affidavit the name of his party.*

Petition may be filed.

2. *Beginning sixty (60) days prior to said primary election and not later than forty (40) days prior to said election, there may be placed on the ballot, by petition, filed with the secretary of state, the name of any person as a candidate for the nomination for the presidency of the United States; provided, however, the candidate whose endorsement is desired, shall be a member of a party that received not less than five percent (5%) of the total number of votes cast at the next preceding presidential election.*

The said petition may consist of one (1) or more writings or pages of signatures bound together, and shall include the following information:

Contents of petition.

(a) The name of the candidate whose endorsement is desired, and the name of the political party on whose ballot the name is to be entered.

(b) A statement that the filing is made in good faith and for the purpose of advancing the candidacy of the person whose name is filed.

Number of signatures required.

The said petition shall contain signatures of electors of not less in number than one percent (1%) of the number of votes cast at the next preceding presidential election. After the signature of each elector, there shall be written his post office address and the congressional district in which he resides. Provided, however, that not more than twenty percent (20%) of the number of required signatures shall be electors of any one county.

Form of ballot.

That the names of the persons filed for candidates for president in this act, shall be printed on the primary ballots

HeinOnline -- 1955 715 1955

provided for by section 23-919 of the Revised Codes of Montana, 1947, in the following form:

Candidates for president
☐ John Doe
☐ Richard Doe
☐ .....

and that the said ballot shall be canvassed and counted in the manner as provided by section 23-921, Revised Codes of Montana, 1947.

Amending clause.

Section 3. That section 23-929 (662) of the Revised Codes of Montana, 1947, as amended by chapter 64 of the session laws of the thirty-first legislative assembly, 1951, be, and the same is hereby amended to read as follows:

"Section 23-929 (662) **County and City Central Committeemen, How Elected.**

County and city central committeemen how elected.

(1) There shall be elected by each political party subject to the provisions of this *act,* at said primary nominating election, two (2) committeemen, one (1) of which shall be a man and one (1) of which shall be a woman, for each election precinct, who shall be residents of such precincts. Any elector may be placed in nomination for committeeman *and committeewoman* of any precinct by a writing so stating, signed by such elector, and filed in the office of the county clerk within the time required in this act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election. The names of the various candidates for precinct committeemen *and committeewomen* of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates.

Adding committee-woman.

Power and jurisdiction of committee-men and women.

(2) The committeemen *and committeewomen* thus elected shall be the representatives of their political party in and for such precinct in all ward or subdivision committees that may be formed. The committeemen *and committeewomen* elected in each precinct in each county shall constitute the county central committee of each of said respective political parties. Those committeemen *and committeewomen* who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respective political parties and shall have the same

HeinOnline -- 1955 716 1955

power and jurisdiction as to the business of their several parties in such city matters that the county committee have in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each committeeman *and committeewoman* shall hold such position for the term of two (2) years from the date of the first meeting of said committee immediately following their election.

Term of office.

(3) In case of a vacancy happening, on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman *or committeewoman* to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurs. Said county and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect two (2) county members of the state central committee, one (1) of which shall be a man and one (1) of which shall be a woman, and the members of the congressional committee, and said committee shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committees have to fill county vacancies and to make rules. *In the event there is no county central committee in any county the state central committee of the political party having no county central committee in said county shall appoint a county central committee therein to consist of committeemen and committeewomen as herein provided and said county central committee shall have the same powers and duties as county central committee elected, as now provided by law.*

Vacancies.

Rules and regulations.

Where no county committee, state committee appoints.

(4) Said county and city central committee shall have the power to make nomination to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death, resignation or removal from the electoral district, but not otherwise.

When may nominate to fill vacancies among candidates.

(5) In each year when a president of the United States is to be elected, said committee shall meet within fifteen (15) days after the primary election herein provided for, and shall organize by electing a chairman and one (1) or more vice-chairmen, provided that either the chairman or first vice-chairman shall be a woman. They shall also elect

Duty to meet and organize.

HeinOnline -- 1955 717 1955

a secretary and such other officers as they shall think proper. It shall not be necessary for such officers to be precinct committeemen or committeewomen. They may select managing or executive committees and authorize such subcommittees to exercise any and all powers conferred upon the county, city, state and congressional central committees respectively by this law. The chairman of the county central committee shall call said central committee meeting and not less than ten (10) days before the date of said central committee meeting shall publish said call in a newspaper published at the county seat and shall mail a copy of the call, enclosing a blank proxy, to each precinct committeeman. No proxy shall be recognized unless held by an elector of the precinct of the committeeman executing the same.

Executive committees.

Duty of chairman— call for meeting.

Notice.

Proxies.

County conventions, qualifications of participants.

Proxies.

Vacancies.

(6) *The county chairman of the party shall preside at the county convention. No person other than a duly elected or appointed committeeman, committeewoman, or officer of the committee shall be entitled to participate in the proceedings of the committee. No proxy shall be recognized unless held by an elector of the precinct of the committeeman or committeewoman executing the same. In case of the absence of any committeeman or committeewoman and his or her duly appointed proxy, the convention may fill the vacancy by appointing some qualified elector of the party, resident in the precinct, to represent such precinct in the convention.*

Delegates to state convention, number.

Certificates.

(7) *The county convention shall elect delegates and alternate delegates to attend the state convention provided for herein, in a number equal to the total number of state senators and state representatives elected from said county to the legislative assembly. That the chairman and secretary of the county convention shall issue and sign certificates of election of said delegates.*

Amending clause.

Section 4. That section 23-1002 (673.2) the Revised Codes of Montana, 1947, as amended by section 13 of chapter 214 of the session laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

Exclusive method of selecting electors and delegates.

"23-1002. (673.2) **Exclusive Method of Selecting Presidential Electors and Delegates to National Political Conventions — Committeemen and Chairman.** All political parties in Montana shall hereafter nominate their pres-

HeinOnline -- 1955 718 1955

idential electors and elect their delegates to national conventions in the manner provided by this act. It shall be the duty of each political party to select in each county in the state in such manner as is now provided by law, or by the rules of the party in case the law does not so provide, a precinct committeeman *and precinct committeewoman* for each election precinct, a county chairman in each county and a state chairman.

Amending clause.

Section 5. That section 23-1006 (673.6) of the Revised Codes of Montana, as amended by chapter 55 of the session laws of the thirty-third legislative assembly and by section 14 of chapter 214 of the session laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended to read as follows:

When state convention held.

"Section 23-1006 (673.6) **Time of State Convention — Election of Presidential Electors and Delegates to National Convention.** *Not later than fifteen (15) days after said county convention and on a date set by the chairman of the state central committee, the delegates (or alternate delegates, in case any elected delegate cannot attend), shall hold a state convention at the state capital in Helena, Montana, for the purpose of electing delegates and alternates to the national convention of the parties and presidential electors. That the delegates and alternate delegates to the national conventions of each political party shall consist of three (3) delegates from each of the congressional districts, and the remaining delegates and alternates from the state at large. That the delegates and alternate delegates so elected shall support the candidate whose candidacy is preferred as a result of the within primary until released by said candidate or unless said candidate shall not be nominated by said national convention or shall receive less than twenty percent (20%) of the total votes cast on any ballot.*

Purpose.

Procedure for election of delegates—qualifications.

Presidential preference binding.

Limitation.

Amending clause.

Section 6. That section 23-1007 (673.7) of the Revised Codes of Montana, 1947, as amended by section 15 of chapter 214 of the session laws of the thirty-third legislative assembly, 1953, be, and the same is hereby amended to read as follows:

Conduct of state convention.

"23-1007. (673.7) **Conduct of State Convention.** Said state convention shall be conducted in accordance with the party rules, subject, however, to the following requirements:

Procedure.

The chairman of the state central committee shall call

HeinOnline -- 1955 719 1955

Notice.

the state convention and shall publish the call at least once in a newspaper published at the seat of the government. Said call shall be published not less than ten (10) days, and a copy of the call shall be mailed to the county chairman in each county. The chairman of the state central committee shall preside over the convention and, together with a secretary chosen by the convention, shall sign certificates of election, which shall be delivered as credentials to the several persons elected by the convention as delegates to the national convention of said party, and certificates of nomination for presidential electors for said party which shall be filed with the secretary of state. Only regularly elected delegates or alternates shall be entitled to sit in said convention or participate in its proceedings and no proxies shall be recognized by the convention. In case of the absence of a member or members of the delegation elected from any county the delegates present for said county shall be entitled to cast a number of votes equal to the number of delegates elected to the convention from said county.

Restrictions.

Amending clause.

Section 7. That section 23-1008 of the Revised Codes of Montana, 1947, as amended by section 15 of chapter 214 of the session laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended to read as follows:

Payment of convention expenses.

"23-1008 (673.8) **Payment of Convention Expenses.** The entire expense of conducting the county and state conventions herein provided for shall be defrayed by the several political parties, except that each elected delegate or alternate who shall attend the state convention and participate therein shall receive the sum of *seven (7)* cents per mile for each mile actually travelled by him in going to and returning from said convention, said mileage to be computed by the shortest practicable route, and to be paid out of the general funds of the county in the same manner as other election expenses."

Mileage only from general fund of county.

Repealing Chapter 64, Laws of 1951; Chapter 214, Laws of 1953; Sections 23-1003 and 23-1005, R.C.M., 1947.

Section 8. *That chapter 64 of the session laws of the thirty-second legislative assembly, 1951, chapter 214 of the session laws of the thirty-third legislative assembly, 1953, sections 23-1003 and 23-1005 of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith, and not amended by this act, are hereby repealed, provided, however, that nothing herein contained shall be*

HeinOnline -- 1955 720 1955

construed to repeal or in any manner amend or modify chapter 8 of the session laws of the thirty-third legislative assembly of the State of Montana of 1953.

Preserving Chapter 8, Laws of 1953.

Approved March 10, 1955.

CHAPTER 267

An Act Providing for Licenses and Classification of Licenses Required by the Fish and Game Commission Under the Provisions of Section 26-202 of the Revised Codes of Montana, 1947, Fixing Regulations for Issuing Said Licenses and for Determining Residence; Providing for Fees, Powers and Duties Under Said Licenses; and Repealing Section 26-203 of the Revised Codes of Montana, 1947, Relating to Classes of Licenses; Repeal Section 26-205 of the Revised Codes of Montana, 1947, as Amended by Chapter 32, Session Laws of 1949, Chapter 142, Session Laws of 1951, and Chapter 129, Session Laws of 1953, Relating to Fees and Powers Under Licenses, Tagging of Carcasses and Report of Killing of Elk and Deer; Repeal Section 26-206 of the Revised Codes of Montana, 1947, Relating to Temporary Nonresident Fishing Licenses; Repeal Section 26-207 of the Revised Codes of Montana, 1947, Relating to Procuring of Licenses; Repeal Section 26-208 of the Revised Codes of Montana, 1947, as Amended by Chapter 49 of the Session Laws of 1949 and Chapter 218 of the Session Laws of 1953, Relating to Temporary Nonresident Licenses; Repeal Section 26-218 of the Revised Codes of Montana, 1947, Relating to Reports to Person Selling Licenses; Repeal Section 26-219 of the Revised Codes of Montana, 1947, Relating to Residents on Furlough From the Armed Service of the United States While at War; Repeal Section 26-322 of the Revised Codes of Montana, 1947, as Amended by Chapter 156, Session Laws of 1949, Relating to Trapper's License; Repeal Chapter 126, Session Laws of 1953, Relating to Bow and Arrow Deer Season; Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed; and Providing for an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 721 1955

Class A license.

Section 1. **Licenses — Fees — Classification of Licenses — Fees and Powers Under Licenses.** (1) Class A. License. Resident game bird and fishing license. Upon payment of

Fee.

a fee of three dollars ($3.00) the applicant who qualifies therefor shall receive a class A license which shall entitle

Scope.

the holder thereof to pursue, hunt, shoot and kill game birds and possess dead bodies of game birds, and to fish with hook and line or rod as authorized by regulations of the commission.

A-1 license.

(2) Class A-1 license. Resident big game license. Any holder of a class A license, who is twelve (12) years of age or older, may, upon payment of an additional sum of *three*

Fee.

dollars ($3.00), be entitled to a class A-1 license, which will entitle the holder to pursue, hunt, shoot and kill game

Scope.

animals and possess the carcass of game animals of the state which are authorized by the commission to be pursued, hunted, shot, killed, taken or possessed.

A-2 license, bow and arrow.

(3) Class A-2 license — special bow and arrow license. To pursue, hunt, shoot, kill, take and possess deer. Any holder of a class A-1 license may, upon payment of an

Fee.

additional sum of two dollars ($2.00) to any agent of the fish and game commission, authorized to issue fishing and hunting licenses, be entitled to a class A-2 license, which

Scope.

shall authorize the holder thereof to pursue, hunt, shoot and kill deer with bow and arrow and to possess the carcass of deer during a special season, as same may be designated by the fish and game commission.

Class B— non-resident, limited residence.

(4) Class B license — nonresident, or a person having less than six (6) months residence in the state. Any non-resident of the State of Montana or any person who has been a resident citizen for less than six (6) months, upon

Fee.

payment of the sum of ten dollars ($10.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a class B license,

Scope.

which shall entitle the holder thereof to fish with hook and line as authorized by the rules and regulations of the commission.

Class B-1. non-resident.

(5) Class B-1 license — nonresident and persons having less than six (6) months residence in the state. Game bird license. Any nonresident of the State of Montana or any person who has been a resident citizen for less than six

Fee.

(6) months, upon payment of the sum of twenty-five dollars

HeinOnline -- 1955 722 1955

($25.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses shall be entitled to a class B-1 license, which shall entitle the holder thereof to pursue, hunt, shoot, kill and possess game birds as authorized by the rules and regulations of the commission. Scope.

(6) Class B-2 license — nonresident or persons having less than six (6) months residence in the state. Big game license. Any nonresident of the State of Montana, or any person who has been a resident citizen for less than six (6) months, upon the payment of the sum of one hundred dollars ($100.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a class B-2 license which shall authorize the holder to pursue, hunt, shoot, kill game animals, and to possess the carcasses of same, and to pursue, hunt, shoot, kill and possess game birds, and to fish with hook and line as may hereinafter be authorized by the rules and regulations of the commission. Class B-2, non-resident. Fee. Scope.

(7) Class B-3 license — temporary nonresident or tourist license. Any nonresident of the State of Montana, upon payment of the sum of three dollars ($3.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a temporary nonresident fishing license, which shall authorize the holder to fish with hook and line as authorized by the rules and regulations of the fish and game commission for a period of six (6) days from and after the issuance of such license. Class B-3, tourist. Fee. Scope. Term.

(8) Special licenses — any applicant who is the holder of a class A-1 resident big game license or any applicant who is the holder of a class B-2 nonresident big game license may apply for a special license, which, in the judgment of the fish and game commission is to be issued and shall pay the following fees therefor: Special licenses.

Moose, twenty-five dollars ($25.00).

Mountain goat, five dollars ($5.00).

Mountain sheep, fifteen dollars ($15.00).

Bison or buffalo, twenty-five dollars ($25.00).

(9) Class C license — trapper's license. Any holder of a class A license, upon making application and paying the Class C, trappers.

HeinOnline -- 1955 723 1955

Fee.

sum of ten dollars ($10.00) to the fish and game commission, shall be entitled to a trapper's license, which shall

Scope.

authorize the holder thereof to trap fur-bearing animals, except beaver, within the State of Montana at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission, and at such places as may be designated in said license.

Class C-1, land owner's trapper's permit.

(10) Class C-1 license — land owner's trapper's license. Any owner or tenant, or member of the immediate family of said owner or tenant, upon making application to the fish and game commission, and upon payment of the sum

Fee.

of one dollar ($1.00) shall be entitled to a land owner's trapper's license which shall entitle the holder thereof to

Scope.

trap any fur-bearing animal, except beaver, on land owned or leased by him, or his immediate family, at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission and at such places as may be designated in said license.

Special licenses. Qualification for obtaining.

Section 2. **Special Licenses — Tagging of Carcasses of Game Animals.** (1) Special licenses authorized to be issued under the general powers of the fish and game commission may be issued only to persons holding valid big game licenses for the current year, which have been obtained by the applicant prior to the time of filing of application for a special license.

Allowing one license in 10 years on certain game.

(2) Any person who has obtained a moose, mountain sheep, bison, or buffalo license shall not be eligible to apply for another such license for the next succeeding ten (10) years. It is further provided that any person who has received a special license for elk or mountain goat shall

One license per season, elk, mountain goat.

not be eligible to receive a second special license for this species of game animal during any license year. However,

Exceptions.

in the event the number of applications received is not equal to the number of game species desired to be killed by the commission, reapplication may be made by those valid license holders of the current year who may fall within these limitations. It is further provided that any person who has killed or taken a game animal, except a deer or antelope, during the current license year, shall not be permitted to receive a special license under this act to hunt or kill a second game animal of the same species.

HeinOnline -- 1955 724 1955

(3) Tagging of carcasses of game animals. Every license issued by the fish and game commission authorizing the holder thereof to pursue, shoot, kill, capture, take or possess game animals, whether issued to a resident or a nonresident, shall have attached thereto, certain tags, coupons, or markers, the form of which shall be prescribed by the state fish and game commission, and when any person should take or kill any deer, elk, moose or antelope under such license, such person shall immediately thereafter attach to said animal or animals the proper tag, coupon or other marker, completely filled out with the name of the license holder, address, date the animal was killed, place the animal was killed, and any other information requested on such tag, coupon or other marker, and such tag, coupon or other marker shall be kept attached to said carcass so long as any considerable portion of the carcass remains unconsumed. Such tag, coupon or other marker shall be valid only when attached to said license or when such tag, coupon or other marker has been completely filled out and attached to a legally taken game animal, and when the proper tag, coupon or other marker is attached to said game animal so killed, the same may be possessed, used, stored and transported, provided the necessary permit to transport the same accompanies the shipment. Any person who should kill any deer, elk, moose or antelope by authority of any license issued for the killing of such game animal, and shall fail or neglect to fill out and attach his tag, coupon or other marker so provided with the license issued, to the carcass of said deer, elk, moose or antelope or portion thereof, or any person who shall fail to keep said tag, coupon or other marker attached to said deer, elk, moose or antelope or portion thereof while the same is possessed by him shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for by law in section 26-324 of the Revised Codes of Montana, 1947, as amended.

Tagging carcasses of game animals required.

Contents of tag.

Penalty for violation.

Section 3. **Defining Resident.** That in determining a resident for the purpose of issuing resident fishing and hunting licenses, the following provisions shall apply:

"Resident" defined.

(1) *That members of the armed forces of the United States, or regularly appointed officers and employees of the United States forest service, the United States fish and wild life service, United States park service and the bureau of land management,* who are assigned to duty in

HeinOnline -- 1955 725 1955

Montana, and after a period of thirty (30) days within Montana, upon presenting assignment orders emanating from the proper unit commander, shall be considered residents for the purpose of this act. The thirty (30) day residence requirement is waived in time of war.

(2) Any citizen of the United States of America who has continuously resided within the State of Montana for a period of six (6) months immediately prior to making application for said license, and who is a legal resident of the state, shall be eligible to receive a resident hunting or fishing license.

(3) Any person in possession of first citizenship papers only shall not be considered a resident citizen of Montana, but such a person may purchase nonresident licenses.

Commission may make rules and regulations.

Section 4. The fish and game commission is hereby authorized to make, promulgate and enforce such reasonable rules and regulations not inconsistent with the provisions of this act as in its judgment will accomplish the purpose of this act.

Repealing certain statutes.

Section 5. **Repeal.** Section 26-203 of the Revised Codes of Montana, 1947; section 26-205 of the Revised Codes of Montana, 1947, as amended by chapter 32, session laws of 1949, chapter 142, session laws of 1951, and chapter 129, session laws of 1953; section 26-206 of the Revised Codes of Montana, 1947; section 26-207 of the Revised Codes of Montana, 1947; section 26-208 of the Revised Codes of Montana, 1947, as amended by chapter 49 of the session laws of 1949 and chapter 218 of the session laws of 1953; section 26-218 of the Revised Codes of Montana, 1947; section 26-219 of the Revised Codes of Montana, 1947; section 26-322 of the Revised Codes of Montana, 1947, as amended by chapter 156 of the session laws of 1949; chapter 126 of the session laws of 1953, and all acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 268

An Act to Amend Section 31-105, Revised Codes of Mon-

HeinOnline -- 1955 726 1955

tana, 1947, as Amended by Section 1, Chapter 187, Laws of Montana, 1951, as Amended by Chapter 219, Laws of Montana, 1953, of the Montana Highway Patrol, Relating to Qualifications of Patrolmen, Salary, Probationary Training, Discharge, Demotion, Suspension, Hearing; by Deleting the Term Director of Public Safety and Education; and Providing for a Salary Schedule; by Providing for a Base Salary for the Supervisor, Captains, and Sergeants; by Changing Assistant Supervisors to Patrol Captains; by Increasing the Number of Sergeants From Four to Nine; by Providing for a Probationary Period for Captains and Sergeants; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 31-105 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 187, laws of Montana, 1951, as amended by chapter 219, laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Board to designate captains, sergeants, patrolmen.

"31-105. **Qualifications of Patrolmen — Salary — Probationary Training — Discharge — Demotion — Suspension — Hearing.** The board shall designate *captains,* not to exceed *five (5)* in number, sergeants, not to exceed *nine (9)* in number, and patrolmen in such numbers as the board may deem necessary. Said patrolmen *shall* be chosen in equal numbers in the twelve (12) highway districts, *provided however, that if sufficient qualified applications are not received from any one district that the board may in its discretion substitute other qualified applicants from any other districts.* Replacements and additions to the force *shall* be selected in the same manner. *The salary of the supervisor, captains, sergeants and patrolmen shall be fixed by the board, with the approval of the state board of examiners, provided that the base salary for the supervisor shall be five hundred dollars ($500.00) per month, the base salary for the captains shall be four hundred dollars ($400.00) per month, the base salary for sergeants shall be three hundred and seventy-five dollars ($375.00) per month, the base salary for patrolmen, with three (3) years' service, shall be three hundred and fifty dollars ($350.00) per month, provided however, that the maximum increase allowable by said board shall not exceed five per*

Schedule of maximum salaries.

HeinOnline -- 1955 727 1955

cent (5%) of said base salaries; the base salary for probationary patrolmen shall be two hundred and seventy-five dollars ($275.00). In the event that said *probationary* patrolman is appointed permanently, he shall receive his salary at *the* time of appointment plus *twenty-five dollars ($25.00)* per month for each additional year of service up to and including *the base salary of a patrolmen. Captains* and sergeants shall be selected from the patrolmen by the supervisor, subject to the approval of the highway patrol board. The duties and jurisdiction of the *captains* and sergeants shall be outlined, defined and under the control of the supervisor, subject to the approval of the Montana highway patrol board.

Qualifications of patrolmen.

"(a) Patrolmen shall possess the following qualifications:

1. Sound and active physical and mental condition.

2. Good moral character.

3. Resident of Montana for at least five (5) years last past.

4. Pass a satisfactory test in the operation of automobiles.

5. Not over fifty-five percent (55%) of the patrol shall belong to one political party.

6. Citizen of the United States and State of Montana.

"For the purposes of this act, the supervisor, *captains,* sergeants and patrolmen shall all be deemed patrolmen. The Montana highway patrol board shall prepare a schedule of compensation and expenses for all patrolmen and submit it to the state board of examiners for their approval, in conformity with this act. All patrolmen shall be placed under probationary training and service for a period of six (6) months to one (1) year, during which time the highway patrol supervisor must recommend to the highway patrol board for permanent appointments or the patrolmen will automatically be dismissed. *All captains and sergeants shall be placed under probationary training and service for a period of six (6) months to one (1) year, during which time the highway patrol supervisor must recommend to the highway patrol board for permanent appointments or the captains and sergeants will automat-*

Probationary training.

HeinOnline -- 1955 728 1955

ically revert to their previous ranks without prejudice. Patrolmen filling vacancies caused by the incumbents' entrance into the armed forces of the United States, shall, on the return of the incumbents be placed in the patrol reserve, without pay; otherwise they shall hold their permanent appointments while there are sufficient operating funds. Reserve patrolmen shall then be used for future replacements in the permanent patrol.

Tenure of employment.

"Every person employed or appointed and designated as a supervisor, *captain,* sergeant, or patrolman under and pursuant to the provisions of this act, except as above provided, shall continue in service and hold his position without demotion until suspended, demoted, or discharged in the manner hereinafter provided, for one or more of the causes specified in the following paragraph.

Causes for suspension, demotion, discharge.

"(b) Cause for suspension, demotion, or discharge will be:

1. Conviction of any crime involving moral turpitude in any court of competent jurisdiction subsequent to the commencement of such employment.

2. Gross neglect of duty or wilful violation or disobedience of orders or regulations.

3. Loitering about or entering places of ill fame, ill repute, or where gambling is known to be conducted or to be in progress, except in the immediate discharge of duty.

4. Conduct unbecoming an officer.

5. Drinking intoxicating liquor while using state-owned cars or in uniform, or being intoxicated in a public place.

6. Sleeping while on duty.

7. Incapacity, or partial incapacity, materially affecting his ability to perform his official duties.

8. Gross inefficiency in performing duties.

9. Active participation in any political campaign by supporting or opposing, directly or indirectly, any political candidate, or contributing financially or otherwise, directly or indirectly, to the success or defeat of any political party or candidate. The charge or charges against any such employee shall be made in writing and shall be signed and

Filing charges, procedure.

HeinOnline -- 1955 729 1955

sworn to by the person making the same, which written charge or charges shall be filed with the supervisor of the Montana highway patrol. Any charges involving suspension or dismissal of the supervisor or *a captain* shall be filed directly with the highway patrol board.

Hearing or dismissal of charges by supervisor.

"Upon the filing of the same, if the supervisor, in his opinion, believes that such charges constitute grounds for discharge, he shall order a hearing to be had thereon before the highway patrol board and fix a time for such hearing, otherwise he shall dismiss such charges.

Notice.

"(c) At least ten (10) days before the time appointed for said hearing, written notice specifying the charge or charges filed and stating the name of the person or persons making the charge or charges shall be served on the said employee personally, if his whereabouts is known, in the State of Montana. If at the time, the whereabouts of the said employee is unknown, or if he be outside of the State of Montana, service may be made upon him by mailing the said written notice to him at his last known place of residence in Montana.

May be suspended pending decision.

"If the supervisor orders a hearing he may suspend such employee pending the rendition of the decision made in such case.

Board to hear charges.

"The highway patrol board shall be the authority to hear such charge or charges and render a decision and appropriate order.

Power to subpoena.

"The highway patrol board shall have the power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers, and other evidence at such hearing and for that purpose issue subpoenas and cause the same to be served and executed in any part of the state.

Employees' rights.

"The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf and shall be entitled to be represented by counsel at such hearing. The highway patrol board shall within fifteen (15) days after such hearing render its decision in writing and file same in its office with the supervisor and with the employee accused also.

HeinOnline -- 1955 730 1955

"If, after such hearing, the highway patrol board finds that any such charge or charges made against the employee are true, it may punish the offending party by reprimand, suspension without pay, demotion, or dismissal. Board may penalize.

"(d) Any employee who is so suspended, demoted, or dismissed may have a right of appeal to the district court of Lewis and Clark county, within ten (10) days after such decision or determination of the highway patrol board, and said court shall review such decision or determination in a summary manner and shall render its decision upon such appeal within ninety (90) days from the filing of such appeal in said court. If such decision or determination of the highway patrol board shall be finally reversed or modified by said court, the said employee shall be reinstated in his position and the highway patrol board shall pay to the said employee any salary or wages withheld from him pending the determination of the charge or charges, or as may be directed by the court. Appeal.

"The highway patrol board shall have the authority to order the supervisor to file charges with the board if the supervisor in his judgment does not believe the charge or charges warrant a hearing. Board may order charge filed.

"When the highway patrol supervisor has cause to believe that any member of the highway patrol has violated any of the hereinabove specified grounds for suspension, demotion or discharge, or his conduct has warranted reprimanding, he may, with the approval of the Montana highway patrol board, suspend, demote or reprimand the member. Suspension shall be without pay and for a period not to exceed twenty (20) days in time. In cases of demotion, the member shall receive the pay of the classification to which he is demoted." Disciplinary power of supervisor—board approval required. Limitation.

Section 2. That all acts and parts of acts in conflict herewith be, and the same are hereby repealed. Repealing clause.

Approved March 15, 1955.

CHAPTER 269

An Act to Amend Section 91-4402 of the Revised Codes of Montana, 1947, Relating to Inheritance Tax on Transfers

HeinOnline -- 1955 731 1955

in Contemplation of Death So as to Make Any Transfer Made More Than Three (3) Years Before the Date of Death Not Subject to Tax, Thereby Adopting the Same Rule for State Inheritance Tax as is Used for the Federal Estate Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 91-4402 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Transfers in contemplation of death.

"Section 91-4402. **Transfers in Contemplation of Death.** When the transfer is of property made by a resident or by a nonresident when such nonresident's property is within the state, or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor, or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within

Presumption.

three (3) years prior to the death of the grantor, vendor or donor of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without a fair consideration in money or money's worth shall, unless shown to the contrary be deemed to have been made in contemplation of death within the meaning of this section,

Transfers prior to three-year period not presumed in contemplation of death.

but no such transfer by deed, grant, bargain, sale or gift, made before such three-year period shall be treated as having been made in contemplation of death providing, however, that nothing herein contained shall be deemed to have modified, amended, or repealed the provisions of section 91-4408 of the Revised Codes of Montana, 1947."

Approved March 10, 1955.

CHAPTER 270

An Act to Amend Chapter 44 of the Session Laws of Montana, 1953, Relating to the Coverage of Certain Officers and Employees of the Political Subdivisions of the State of Montana Under the Old Age and Survivors' Insurance Provisions of Title II of the Federal Social Security Act, as Amended, by Extending to Employees of the State of Montana and Its Political Subdivisions, Including Em-

HeinOnline -- 1955 732 1955

ployees Who Are Members of the Public Employees' Retirement System and Civilian Employees of National Guard Units, the Basic Protection Accorded to Others by the Old Age and Survivors' Insurance System Embodied in the Social Security Act; Providing for an Election Among Members of the Public Employees' Retirement System on the Question of Coverage; Providing for the Payment of Contributions by Both Employees and the State and Its Political Subdivisions; Designating the Board of Administration of the Public Employees' Retirement System as the State Agency to Administer This Act; Providing That If Any Provisions Hereof Are Held Invalid the Remainder of This Act Shall Not be Affected Thereby; Providing for the Repeal of All Acts or Parts of Acts Inconsistent With the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1 of chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

"Section 1. **Declaration of Policy.** In order to extend to employees *of the state and its* political subdivisions, *including employees of the state and its political subdivisions who are members of the public employees' retirement system of the State of Montana,* and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors' insurance system embodied in the social security act, it is hereby declared to be the policy of the legislature, subject to the limitations of this act, that such steps be taken as to provide such protection to employees of *the state and its* political subdivisions on as broad a basis as is permitted under the social security act. *It is also the policy of the legislature that the protection afforded employees in positions covered by the public employees' retirement system of the State of Montana on the date an agreement under this act is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof."*

Purpose of act.

Adding public employees.

Not to impair present retirement benefits.

Section 2. That section 2 of chapter 44 of the session

Amending clause.

HeinOnline -- 1955 733 1955

laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Terms defined.

"Section 2. **Definitions.** For the purposes of this act —

(a) The term 'wages' means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for 'employment' within the meaning of the federal insurance contributions act, would not constitute 'wages' within the meaning of that act;

(b) The term 'employment' means any service performed by an employee in the employ of *the state, or* any political subdivision *thereof,* for such employer, except (1) service which in the absence of an agreement entered into under this act would constitute 'employment' as defined in the social security act; or, (2) service which under the social security act may not be included in an agreement between the state and the *secretary of health, education and welfare* entered into under this act. *Service performed by civilian employees of national guard units is specifically included within the term 'employment.' Service which under the social security act may be included in an agreement only upon certification by the governor in accordance with section 218 (d) (3) of that act shall be included in the term 'employment' if and when the governor issues, with respect to such service, a certificate to the secretary of health, education, and welfare pursuant to section 3 (b) of this act;*

(c) The term 'employee' includes an elective or appointive officer or employee of *the state or* a political subdivision *thereof;*

(d) The term 'state agency' means the *board of administration of the public employees' retirement system of the State of Montana;*

(e) The term *'secretary of health, education, and welfare' means the secretary of the United States department of health, education, and welfare and* includes any individual to whom the *secretary of health, education, and welfare* has delegated any of his functions under the social security act with respect to coverage under such act of employees of states and their political subdivisions, *and*

HeinOnline -- 1955 734 1955

with respect to any action taken prior to April 11, 1953, includes the federal security administrator and any individual to whom such administrator had delegated any such function;

(f) The term 'political subdivision' includes an instrumentality of the state, of one or more of its political subdivisions, or of the state and one or more of its political subdivisions, including leagues or associations thereof, but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the state or subdivision. The term shall include special districts or authorities created by the legislature or local governments such as but not limited to school districts, housing authorities, etc.;

(g) The term 'social security act' means the act of congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the 'social security act,' (including regulations and requirements issued pursuant thereto), as such act has been and may from time to time be amended; and

(h) The term 'federal insurance contributions act' means subchapter A of chapter 9 of the federal internal revenue code *of 1939 and subchapters A and B of chapter 21 of the federal internal revenue code of 1954,* as such *codes have been* and may from time to time be amended*; and the term 'employee tax' means the tax imposed by section 1400 of such code of 1939 and section 3101 of such code of 1954, and as such codes may from time to time be amended.''*

Amending clause—adding new section.

Section 3. That chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended by adding thereto a new section providing for an election among members of the public employees' retirement system on the question of coverage under the social security act, said new section to be designated as section 3 and to read as follows:

Providing referendum on coverage.

''Section *3. Referendum and Certification. (a) Pursuant to section 218 (d) (6) of the social security act, the public employees' retirement system of the State of Montana shall, for the purposes of this act, be deemed to constitute a separate retirement system with respect to the state and a separate retirement system with respect to each political subdivision having positions covered thereby. With*

HeinOnline -- 1955 735 1955

respect to employees of the state the governor is empowered to authorize a referendum, and with respect to the employees of any political subdivision he shall authorize a referendum upon request of the governing body of such subdivision; and in either case the referendum shall be conducted, and the governor shall designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218 (d) (3) of the social security act, on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under this act. The notice of referendum required by section 218 (d) (3) (C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this act.''

Governor to certify conditions to federal authority.

(b) Upon receiving evidence satisfactory to him that with respect to any such referendum the conditions specified in section 218 (d) (3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

Amending clause.

Section 4. That section 3 of chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

State agency authorized to enter agreement with federal authority.

''Section **4. Federal-state Agreement.** (a) The state agency, with the approval of the governor, is hereby authorized to enter on behalf of the state into an agreement with the *secretary of health, education, and welfare,* consistent with the terms and provisions of this act, for the purpose of extending the benefits of the federal old age and survivors' insurance system to employees of *the state or* any political subdivision *thereof* with respect to services specified in such agreement which constitute 'employment' as defined in section 2 of this act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate pro-

HeinOnline -- 1955 736 1955

visions as the state agency and *secretary of health, education, and welfare* shall agree upon, but, except as may be otherwise required or permitted by or under the social security act as to the services to be covered, such agreement shall provide in effect that —

Terms of agreement.

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(2) The state will pay to the secretary of the treasury of the United States, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in section 2 of this act), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into, except that *a modification entered into after December 31, 1954, and prior to January 1, 1958, may be effective with respect to services performed after December 31, 1954, or after a later date specified in such modification;*

(4) *All services which constitute employment as defined in section 2 and are performed in the employ of the state by employees of the state, shall be covered by the agreement; and*

(5) All services which (A) constitute employment as defined in section 2, (B) are performed in the employ of a political subdivision of the state, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under section *6*, shall be covered by the agreement.''

Amending clause.

Section 5. That chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended by adding

HeinOnline -- 1955 737 1955

thereto a new section providing for contributions with respect to wages by state employees, said new section to be designated as section 5 and to read as follows:

Contributions by state employees.

"Section *5. Contributions by State Employees. (a) Every employee of the state whose services are covered by an agreement entered into under section 4 shall be required to pay for the period of such coverage, into the contribution fund established by section 7, contributions, with respect to wages (as defined in section 2 of this act), equal to the amount of employee tax which would be imposed by the federal insurance contributions act if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employee's retention in the service of the state, or his entry upon such service, after the enactment of this act.*

Deduction from wages authorized.

"(b) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

Adjustments in contributions deducted to be made where necessary.

"(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe."

Amending clause.

Section 6. That section 4 of chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Plans to be submitted by state subdivisions.

"Section **6. Plans for Coverage of Employees of Political Subdivisions.** (a) Each political subdivision of the state *shall* submit for approval by the state agency a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to employees of such political subdivision. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless —

Requirements for approved plan.

(1) it is in conformity with the requirements of the

HeinOnline -- 1955 738 1955

social security act and with the agreement entered into under section *4*;

(2) it provides that all services which constitute employment as defined in section 2 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan, *except that it may exclude services performed by individuals to whom section 218 (d) (3) (C) of the social security act is applicable;*

(3) it specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) it provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration of the plan;

(5) it provides that the political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the *secretary of health, education, and welfare* may from time to time find necessary to assure the correctness and verification of such reports;

(6) it authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and may be consistent with the provisions of the social security act.

Refusal to approve or termination—hearing required.

"(b) The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

Payments.

"(c) (1) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in section 2 of this act), at such time or times as the state

HeinOnline -- 1955 739 1955

agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under section 3.

Employees' contribution.

"(2) Each political subdivision required to make payment under paragraph (1) of this subsection shall, in consideration of the employee's retention in, or entry upon, employment after enactment of this act, impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in section 2 of this act), not exceeding the amount of *the employee* tax which would be imposed by the federal insurance contributions' act if such services constituted employment within the meaning of that act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

Delinquent payments—interest.

"(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of *six per centum (6%)* per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor, or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department, agency or fund of the state."

Amending clause.

Section 7. That section 5 of chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Contribution fund established.

"Section **7. Contribution Fund.** (a) There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund: (1) all contributions, interest, and penalties collected under sections *5 and 6;* (2) all moneys appropriated thereto by the legislative assembly of the State of Montana; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund; and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and

Contents of fund.

HeinOnline -- 1955 740 1955

all other moneys received *for* the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this act, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this act.

State agency to manage fund.

"(b) The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of this act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the secretary of the treasury of the United States pursuant to an agreement entered into under section *4*; (B) payment of refunds *provided for in section 5 (c) of this act; and (C)* refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

Fund separately held.

Withdrawals.

"(c) From the contribution fund the custodian of the fund shall pay to the secretary of the treasury of the United States such amounts and at such time or times as may be directed by the state agency in accordance with any agreement entered into under section 3 and the social security act.

Payments to secretary of the treasury.

"(d) The treasurer of the state shall be ex officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this act and the directions of the state agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto."

State treasurer custodian of fund.

(e) Each department of the state shall include in its operating budget for the next succeeding fiscal year, prepared and delivered to the controller in accordance with the provisions of law, an estimate of the amount which it will be required to contribute to the contribution fund.

State departments to budget, estimate contributions.

Section 8. That section 6 of chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Amending clause.

HeinOnline -- 1955 741 1955

Costs of administration.

"Section **8. Costs of Administration.** All costs allocable to the administration of this chapter shall be charged to and paid to the general fund *by each department of the state and* by the participating divisions and instrumentalities *and political subdivisions* of the state prorata according to their respective contributions."

Amending clause.

Section 9. That section 7 of chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Rules and regulations.

"Section **9. Rules and Regulations.** The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of this act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this act."

Amending clause.

Section 10. That section 8 of chapter 44 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Exclusions from the plan.

"Section *10.* This act shall not apply to, and there shall be excluded from the operation thereof, all employees of the state and of the political subdivisions thereof operating under the provisions of any retirement plan for firemen, policemen, teachers, or highway patrolmen."

Severability clause.

Section 11. If any provisions of this act, or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

Repealing clause.

Section 12. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Approved March 15, 1955.

CHAPTER 271

An Act to Provide for Supplemental Social Security Retirement Benefits to Teachers and Staff Members Upon Approval of District Boards of Trustees for Public Schools, and of the State Board of Education for Each State Institution of Higher Education, and Referendum Votes; Providing for Separate Coverage of Each District,

HeinOnline -- 1955 742 1955

and of Each Institution of Higher Education, Providing for Application of the Provision of Chapter 44, Laws of 1953, Where Not in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Supplemental social security benefits authorized.

Section 1. **Supplementation of Social Security Benefits.** Any school district of the state, may, upon the approval thereof being voted by the board of trustees, conduct and supervise a referendum pursuant to section 218 of the federal social security act, among the members of the staff and teachers of the school or schools under the jurisdiction of such board of trustees. If the majority of votes cast in any such referendum indicates that said staff and teachers approve, then such board of trustees shall certify to the state board of equalization (or such other agency as may be by legislation designated to administer such program and enter into agreements for extensions of social security coverage) that the conditions for coverage by social security, required by section 218 of the social security act have been complied with.

Referendum.

Certification.

Procedure upon certification.

Section 2. Pursuant to such certification, the staff and teachers of any such district shall be eligible for coverage under the provisions of the federal social security act, and the fiscal officer of such district shall thereafter collect the contributions required under the federal social security act, section 218, by payroll deduction from the staff and teachers and from the school district as employer; and said funds and accounts shall be deposited with the state board of equalization, or such other agency as may be designated by the legislature to administer social security act coverage in this state, and held in the contributions' fund as provided by chapter 44, laws of Montana, 1953.

Collection of contributions.

Separate system for each institution of higher learning.

Section 3. (a) For the purposes of this section of this act, there shall be deemed to be a separate retirement system for the teachers of each state institution of higher education in Montana, and each such institution and the teachers therein shall be treated separately and independently from the other such institutions and teachers.

Procedure for referendum.

(b) On request of the president of any such institution, the governor shall designate an agency or individual to give notice of and supervise a referendum in the retirement system for that institution in compliance with the requisites

HeinOnline -- 1955 743 1955

therefore prescribed by section 218 of the federal social security act.

Certification.

(c) If the majority of votes cast in any such referendum indicates that the majority of voters desire it, then the governor shall certify to the federal secretary of health, education, and welfare that each of the conditions set forth in section 218 of the social security act has been complied with in respect to the retirement system voting in that referendum.

Agreement with federal officers authorized.

(d) Upon such certification the governor shall designate an official to enter into an agreement (or a modification or supplement to an existing agreement, or both such modification and supplement) with the appropriate officers of the federal government, pursuant to section 218 of the said social security act, to secure coverage thereunder for the retirement system with respect to which such certification has been made. Such agreements may be made retroactive to the extent permissible under the social security act.

Retroactivity of agreement.

Collection of contributions.

(e) The fiscal officer for each institution for whose retirement system an agreement has been so made shall collect the contributions required by said section 218 as follows: (1) from the teachers in the retirement system of that institution, by payroll deductions and (2) for the state from any appropriations for salaries, or otherwise made available, to the institution involved. In the absence of specific provision in the appropriations for, or budget of, such an institution for such contributions, the state board of education shall designate the funds from which any such required contributions shall be made and the budgetary items to which they shall be allocated.

Where not budgeted—board of education to designate source.

Application to federal amendment.

(f) In the event that any relevant provisions of federal law are amended or superseded, then the provisions hereof which relate to such law shall be applied to such amended law or such superseding law.

Existing benefits preserved.

Section 4. Nothing in this act shall be construed to prejudice or otherwise affect any rights, benefits, or privileges heretofore accrued under any other law of this state; it being the intent of this legislation to permit supplementation of present retirement benefits under existing law with social security benefits, and to permit members of teaching or staff personnel in any district or institution of higher education so electing to become a member of more

Intent of act.

HeinOnline -- 1955 744 1955

than one retirement system, to receive credit under more than one system for the same service, and to receive benefits from more than one such system, and no benefits received under either system shall be deducted from any other or separate system.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed to the extent of any such conflict, it being the purpose of this act to bring under the provisions of chapter 44, Montana session laws of 1953, or any act amendatory thereof, teachers and staff members of districts and institutions of higher education for supplemental social security coverage as provided by the federal social security act.

Purpose expressed.

Severability clause.

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved March 15, 1955.

CHAPTER 272

An Act to Amend Section 17, Chapter 199, Session Laws of 1949, as Amended by Section 1, Chapter 182, Session Laws of 1951, Relating to the Distribution of Money Available to Districts, and the Formula for Apportionment of County Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 17, chapter 199, session laws of 1949, as amended by section 1, chapter 182, session laws of 1951, be, and the same is hereby amended to read as follows:

Distribution of money available to districts.

"Section 17. **Distribution of Money Available to Districts — Formula for Apportionment of County Funds.** After the deduction of transportation reimbursements provided by law, the proceeds of the county ten (10) mill common school levy and the proceeds of the county ten (10) mill special tax for high schools, shall each be separately distributed by the county superintendent to the respective districts in the county, and the county high school if there

HeinOnline -- 1955 745 1955

be one, in proportion to their needs under the foundation financial program. In all cases in which the proceeds of such county levy and the five (5) mill tax for elementary schools provided for in section 10 hereof, when added to all other funds available to the respective districts from the permanent school fund, payments by the federal government for Indian tuition, and all payments by it or any of its agencies in lieu of taxes, and other funds which must be used in support of the foundation financial program are insufficient to finance the foundation financial program, the proceeds of the county common school levy and the proceeds of the county special tax for high schools shall each be separately distributed in accordance with the following procedure; provided, however, that cash balances to the credit of the district at the end of the school year, after authorized reserves have been subtracted as well as outstanding warrants, shall be used by the district to reduce the levies on the district for the general fund after the uniform district levy and county and state equalization aid have been received:

Formula for apportionment of county funds.

1. Determine the ratio that the total funds available to all districts in the county in support of the foundation program (including proceeds of the county levy) bears to the total costs of the foundation program for all such districts.

2. Determine the ratio that the total funds available to each district in support of the foundation program (excluding all proceeds of the county levy) bears to the cost of the foundation program of each such district.

3. Districts in which the ratio as determined in (2) above exceeds the ratio in (1) above shall not be entitled to distribution of county funds but shall be excluded from further consideration under this section.

4. After elimination of districts referred to in (3) above, determine the ratio that the total funds available to all remaining districts in the county in support of the foundation program (including proceeds of the county levy) bears to the total cost of the foundation program of all such remaining districts. Each remaining district shall then be entitled to distribution of funds from the county levy, which, when added to all other funds available to such district in support of the foundation program shall be suf-

HeinOnline -- 1955 746 1955

ficient to finance such proportionate part of its foundation program.

Joint school districts.

For the purpose of determining levies in a joint school district maintaining a high school, the total cost of the general fund and other budgets of such joint districts shall be divided in the ratio which the number of pupils in the joint district residing in the county bears to the total ANB of the joint district. Such resulting high school budgets shall be considered as separate budgets for high school purposes of the respective counties involved, receiving a part of the ten (10) mill levy, state equalization aid and additional moneys on either the high school district or the part of the joint school district involved as any other high school of the county.

Elementary budgets in joint school districts.

For elementary budgets in a joint school district the total cost of the foundation program for such joint school district shall be divided in the ratio which the number of pupils in the joint district residing in the county bears to the total ANB of the joint district. Each part of such budget so divided shall be treated as a separate budget for such part of the joint district and one of the school districts of the county for the purpose of apportioning proceeds of the county levy. The resulting amount shall be used as the foundation financial program requirement of the joint district for the apportionment of the county levy. The balance of the budget over the foundation program, plus any deficiency in the state equalization payment on the foundation program, shall be an obligation of all parts of the joint school district and the levy for this amount shall be determined by dividing the amount required by the total taxable valuation of the entire joint school district.''

Non-accreditation not to deprive school of share.

(5) No district school shall be deprived of its needful share of either county levy by reason of it being non-accredited.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

HeinOnline -- 1955 747 1955

CHAPTER 273

An Act to Amend Sections 14-201, 14-202, 14-203, 14-204, 14-206 and 14-208, Revised Codes of Montana, 1947, Relating to Incorporation of Cooperative Associations; Providing for Statement to be Filed With the Secretary of State as Articles of Incorporation; Providing That Election and Term of Office of Directors Shall be as Provided by the Bylaws; Providing Method of, and Fees for, Amendment of Articles of Incorporation, and Issuance and Filing of Certificate Thereon; Providing Officers as Distinct From Directors; Providing for Possible Additional or Combination Officers; Providing Officers Elected by Stockholders or Directors as Provided in the Bylaws, Limiting Directors to Stockholders and President and Vice President to Directors; Providing Method of Amendment of Bylaws and When Effective, and Providing That Bylaws May Set Up Districts for Election of Directors and for Primary Elections in Connection Therewith; Providing for the Assignment of Stock Upon Consent of Directors; and Providing This Act Effective Upon Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 14-201 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Incorporation of cooperative associations.

"14-201. (6375) **Incorporation of Cooperative Associations.** Whenever any number of persons, not less than three, nor more than seven, may desire to become incorporated as a cooperative association for the purpose of trade, or of prosecuting any branch of industry, or the purchase and distribution of commodities for consumption, or in the borrowing or lending of money among members for industrial purposes, they shall make a statement to that effect under their hands, duly acknowledged by a notary public, in the manner provided for the acknowledgment of deeds, setting forth the name of the proposed corporation, its capital stock, its location, and duration of the association, and the particular branch or branches of industry which they intend to prosecute, which statement shall be filed in the office of the secretary of state *as the articles of incorporation of the association.* The secretary

Statement,

Contents.

Filing.

HeinOnline -- 1955 748 1955

of state shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of such corporation, at such time and place as they may determine, for which he shall receive the fee of five dollars ($5.00). License fee.

Section 2. That section 14-203 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"14-203. (6377) **First Meeting.** As soon as ten (10) or more shares of the capital stock shall be subscribed, the commissioners shall convene a meeting of the subscribers for the purpose of electing directors, adopting bylaws, and transacting such other business as shall properly come before them. Notice thereof shall be given by depositing same in the post office, properly addressed, to each subscriber, at least ten (10) days before the time fixed, stating the object, time, and place of said meeting. Directors of associations organized under this act shall be elected by the stockholders, and hold their office for such period of time as shall be provided in the bylaws." First meeting of subscribers. Notice.

Section 3. That section 14-204, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"14-204. (6378) **Certificate of Incorporation** — *Amendment of Articles of Incorporation.* The commissioners shall make a full report of their proceedings, including therein a copy of the notice provided for in the preceding section, a copy of the subscription list, a copy of the by-laws adopted by the association, and the names of the directors elected and their respective terms of office, which report shall be sworn to by at least a majority of the commissioners, and shall be filed in the office of the secretary of state. The secretary of state shall thereupon issue a certificate of the complete organization of the association, making a part thereof a copy of all papers filed in his office, in and about the organization, and duly authenticated, under his hand and seal of the state, for which he shall receive the sum of five dollars ($5.00), and thereupon a certified copy of said certificate shall be filed in the office of the county clerk in which the principal office of the association is located. Upon the filing of said certified copy, the association shall be deemed to be fully organized and may proceed to business. Report to secretary of state. Certificate of incorporation. Fee.

HeinOnline -- 1955 749 1955

Amendment of articles, procedure.

At any time after the filing of the certificate of complete organization, the articles of incorporation may be amended. Any amendment of the articles of incorporation shall first be approved by two-thirds of the directors and then adopted by a vote of not less than two-thirds of those stockholders voting thereon at any regular meeting of the stockholders or at a special meeting of the stockholders called for that purpose. A certificate setting forth such amendment shall be executed and acknowledged on behalf of the association by its president or vice-president, and its corporate seal affixed thereto and attested by its secretary. Such certificate shall be filed in the office of the secretary of state who shall thereupon issue a certificate of amendment of the articles of incorporation, for which he shall receive the sum of five dollars ($5.00), and thereupon a certified copy of such certificate shall be filed in the office of the county clerk in which the principal office of the association is located.''

Fee.

Amending clause.

Section 4. That section 14-206, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Board of directors.

''14-206. (6380) **Board of Directors — Officers —** *By-laws.* The *board of directors,* who shall exercise the corporate powers invested in such association, *shall consist of* not less than three, *as* fixed by the bylaws of the association. The *officers of the association shall be* a president, vice-president, secretary and treasurer, *and such others as may be designated by the bylaws,* to be elected by the stockholders *or by the board of directors,* as provided by the bylaws. *Only stockholders shall be elected directors, and only directors shall be elected president or vice-president. The offices of secretary and treasurer may be combined and the combined office designated as secretary-treasurer. The bylaws may provide that the territory in which the association has stockholders shall be divided into districts and that the directors shall be elected according to such districts, in which case the bylaws may specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association, and may provide that primary elections be held in each district by the stockholders residing therein to elect the directors apportioned to such districts with the result of all such*

Officers.

Qualification.

Scope of by-laws.

HeinOnline -- 1955 750 1955

primary elections to be ratified by the stockholders at the next regular meeting of the association. All bylaws shall be adopted by the stockholders of the association *and may be amended at a meeting of the stockholders by a majority of those stockholders voting thereon, or as otherwise provided in the bylaws. Amendments of the bylaws shall be fully effective upon adoption as provided herein and need not be filed in the office of the secretary of state or county clerk.*"

Adoption, amendment of by-laws.

Section 5. That section 14-208, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"14-208. (6382) **Assignment of Stock.** No assignment of stock shall be made to any person who already owns *stock,* except by the consent *of the board of directors,* but stock may be assigned to the association at any time with the consent of the directors. On no question shall a stockholder have more than one (1) vote. Every assignment of stock on which there remains any portion unpaid shall be recorded in the books of the association, and each stockholder shall be jointly and severally liable with the association for the debts of the association to the extent of the amount which shall be unpaid upon the share held by him. No assignor shall be released from any such indebtedness by reason of any assignment of his share, but shall remain jointly liable therefor with the assignee."

Assignment of stock.

One vote per stockholder.

Stock liability.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 15, 1955.

CHAPTER 274

An Act Authorizing Marlowe Ewy to File With the State Board of Examiners His Claim Against the State of Montana for Compensation for the Losses Sustained and Expenditures Made on Behalf of the State of Montana in Operating the Concessions at Goose Bay State Park in Flathead County, Montana, and Authorizing Said Board of Examiners to Hear, Audit and Determine Said Claim of Marlowe Ewy Which Said State Board of Examiners May Approve and Allow.

HeinOnline -- 1955 751 1955

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act detailed.

WHEREAS, Marlowe Ewy asserts that in 1951 he was approached and induced by Walter R. Rankin, acting director of state parks, to take over as concessionaire at Goose Bay state park and operate said concession for the mutual benefit of the State of Montana and himself, and

WHEREAS, said Walter R. Rankin represented that said Marlowe Ewy would receive a written concessionaire contract from the State of Montana if he would make expenditures to place the Linderman Lodge in Goose Bay state park in a condition to handle tourists and the public at large and to make the said park attractive to said tourists and said public at large, and

WHEREAS, Walter R. Rankin was held out by the members and secretary of the state park commission as having authority to make such representations to obtain concessionaires for the various state parks, and

WHEREAS, on the basis of said apparent authority and on the basis of said representations by Walter R. Rankin, said Marlowe Ewy placed said Linderman Lodge in Goose Bay state park in such a condition as to handle and feed hundreds of people by his expenditures for costly restaurant equipment and supplies, and

WHEREAS, said Marlowe Ewy, after fulfilling all the conditions required of him by Walter R. Rankin, was denied a written contract, and

WHEREAS, subsequent to the first year's operation in 1952 of the concessions at Goose Bay state park by said Marlowe Ewy, Walter R. Rankin's misfeasance and unauthorized activities came to the attention of the officials of the State of Montana and subdivisions thereof, and further, that said Marlowe Ewy was in no way connected with any of Walter R. Rankin's unauthorized activities, and misfeasance in performing his duties as acting director of state parks, and

WHEREAS, said Marlowe Ewy was not offered and could not operate the concessions at Goose Bay state park without a written contract and further that said park was subsequently closed through no fault of said Marlowe Ewy, and

HeinOnline -- 1955 752 1955

WHEREAS, said Marlowe Ewy has incurred and sustained losses for the expenditures made for and on behalf of the State of Montana in the amount of five thousand two hundred dollars and seventy-five cents ($5,200.75) which were directly caused by the failure of the agents of the State of Montana to fulfill their verbal agreement and by the gross misstatements made by Walter R. Rankin as to the remunerative returns on such concessionnaire activity at Goose Bay state park, and

WHEREAS, Marlowe Ewy cannot prosecute a claim against the State of Montana without its consent, and

WHEREAS, Marlowe Ewy asserts that he did ask and request the state board of examiners to pay for and reimburse him for the losses sustained, and he has been informed that no authority existed in the board of examiners nor the State of Montana to pay his claim without an act of the legislature of the State of Montana,

NOW THEREFORE,

Authorizing payment of claim by board of examiners.

Section 1. The board of examiners is hereby authorized to hear, audit and determine the claim of Marlowe Ewy against the State of Montana for the damage and loss alleged to have been sustained by him as above-related and if said board of examiners find that such damages were so sustained in the year 1952, as hereinbefore set forth, then such losses shall constitute a legal and valid claim against the State of Montana, and the board of examiners may award, approve and allow such claims in favor of the claimant for such sum as shall be just and equitable, and the auditor is hereby authorized to draw his warrant upon the state treasurer for such sum as may be allowed and approved by said board of examiners; provided, however, that no claim shall be allowed and approved by said board of examiners for any amount in excess of the sum of two thousand five hundred dollars ($2,500.00); provided further, that such claim must be filed with said board of examiners within three months after the approval of this act; and be it further provided that in addition to such sums as may be allowed from this appropriation in favor of the claimant, the board of examiners shall authorize said Marlowe Ewy to retain all aforementioned restaurant supplies and equipment in his possession as partial settlement of said claim against the State of Montana.

HeinOnline -- 1955 753 1955

Appropriation for payment of claim.

Section 2. The sum of two thousand five hundred dollars ($2,500.00) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying any claim which may be allowed and approved by said board of examiners in favor of Marlowe Ewy; provided, that in the event that any settlement is made with said Marlowe Ewy, that as a part of the consideration of said settlement, said Marlowe Ewy shall execute and deliver to the State of Montana, a release in full of all demands and claims of said Marlowe Ewy against the State of Montana to the date of said release.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

CHAPTER 275

An Act Authorizing the State Board of Examiners to Hear, Audit and Determine the Claim of Margaret M. Shane for the Loss of a Hereford Cow Owned by Her, Which Was Struck and Killed by a Northern Pacific Railway Company Train, Due to the Removal of the Right of Way Fence Between the Track of Said Railway Company and the Adjacent Highway, Which Removal Was at the Direction of the State of Montana, Acting by and Through Its State Highway Commission; and Appropriating Money From the Highway Fund for the Settlement of Such Claim, Not Exceeding the Sum of One Hundred Twenty-five Dollars ($125.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act detailed.

Section 1. Whereas, Margaret M. Shane has presented a verified claim to the state board of examiners of the State of Montana, alleging that a Hereford cow owned by her was struck and killed by a Northern Pacific Railway Company train on January 7, 1954, at a point where the right of way fence between the Northern Pacific Railway Company's track and U. S. highway No. 93 had been removed incident to the relocation of the said railway company's track and facilities and the highway facilities, between

HeinOnline -- 1955 754 1955

Arlee and Ravalli, Montana, which removal was at the direction of the State of Montana, acting by and through its state highway commission, in connection with the construction and reconstruction of a portion of said U. S. highway No. 93, more particularly described as federal aid highway project No. F 192 (6).

Board of examiners authorized to pay claim.

Now, therefore, the state board of examiners is hereby authorized to hear, audit and determine the said claim of Margaret M. Shane, and to approve and allow so much of said claim as said board of examiners finds just and equitable in full settlement thereof; provided, however, that the claim of said Margaret M. Shane shall not be allowed or approved by said board of examiners for any amount in excess of the sum of one hundred twenty-five dollars ($125.00).

Appropriation to pay claim.

Section 2. That the sum of one hundred twenty-five dollars ($125.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the highway fund, not otherwise appropriated, for the purpose of paying such part of said claim of Margaret M. Shane as said board of examiners may find just and equitable; provided, further, that no part of said money shall be paid to said Margaret M. Shane except in final and complete settlement of her said claim.

Excluded from budget act.

Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

CHAPTER 276

An Act Authorizing Roy Waller, as Representative of Wilda Linderman, Verne B. Linderman, and Norma L. Waller, to File With the State Board of Examiners Their Claim Against the State of Montana for Compensation Due and Owing for Rentals on the Linderman Lodge on Flathead Lake, Lake County, Montana, and for Expenditures Made, and to be Made, on Behalf of

HeinOnline -- 1955 755 1955

the State of Montana to Restore Said Lodge to Its Original Condition, as Per Lease; and Authorizing Said Board of Examiners to Hear, Audit and Determine Said Claim of Wilda Linderman, Verne B. Linderman, and Norma L. Waller, Which Said State Board of Examiners May Approve and Allow; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act detailed.

WHEREAS, Wilda Linderman, Verne B. Linderman, and Norma L. Waller, were approached and induced by officials of the state park commission, to lease the Linderman lodge on Flathead lake, Lake county, Montana, for a period of five (5) years at one hundred and fifty dollars ($150.00) per month beginning June 1, 1950, and ending June 1, 1955; and

WHEREAS, said lease was entered into by the state park commission, consisting of Basil Brooke, chairman, Francis C. Cross, and Rutledge Parker, executive secretary of said commission for the State of Montana, and Wilda Linderman, Verne B. Linderman, and Norma L. Waller in good faith and for consideration; and

WHEREAS, the state park commission took possession of said Linderman lodge under said lease in February, 1950, with rental payments to begin on June 1, 1950; and

WHEREAS, the state park commission remained in possession of said Linderman lodge until July 10, 1953; and

WHEREAS, the state park commission failed to pay the rentals due and owing on said Linderman lodge for the period July 1, 1952, to July 10, 1953; and

WHEREAS, the amount due and owing for said rentals is now claimed to be eighteen hundred dollars ($1800.00) plus interest until paid; and

WHEREAS, by the terms of said lease the state park commission was obligated to restore said Linderman lodge to its original condition existing prior to the leasing date; and

WHEREAS, the state park commission through their acting director, Burton Gewalt, directed Roy Waller, who was acting for and on behalf of Wilda Linderman, Verne

HeinOnline -- 1955 756 1955

B. Linderman, and Norma L. Waller, to supervise and pay for the renovation of said Linderman lodge to restore said lodge as provided under the leasing agreement; and

WHEREAS, Roy Waller, as representative of Wilda Linderman, Verne B. Linderman and Norma L. Waller, acting under said direction, expended four hundred eleven dollars and sixty-eight cents ($411.68) for the renovation of the kitchen, living and dining rooms; and

WHEREAS, there is still to be restored three walls and closets, together with doorways to two rooms, all of which has been estimated to be at a cost of six hundred dollars ($600.00); and

WHEREAS, Roy Waller has presented the claims of his principals to the highway commission and has been denied payment due to lack of funds; and

WHEREAS, said claims were referred to the state board of examiners for payment upon the recommendation of the highway commission; and

WHEREAS, the state board of examiners have referred the claims to the thirty-fourth legislative assembly for consideration; and

WHEREAS, Wilda Linderman, Verne B. Linderman and Norma L. Waller claim against the State of Montana for rentals due, for renovations made and for renovations to be made, which they are entitled to under the leasing agreement with the state park commission, is now three thousand fifty dollars and eighteen cents ($3,050.18); and

WHEREAS, Wilda Linderman, Verne B. Linderman and Norma L. Waller have appointed Roy Waller to act for and on their behalf in all matters pertaining to their claim against the state; and

WHEREAS, Roy Waller asserts that he did ask and request the state board of examiners to pay for and reimburse him for the rentals due, for renovations made and for renovations to be made to his principals, and he has been informed that no authority existed in the board of examiners nor the State of Montana to pay his claim without an act of the legislature of the State of Montana,

NOW THEREFORE,

HeinOnline -- 1955 757 1955

Authorizing board of examiners to determine claim.

Section 1. The board of examiners is hereby authorized to hear, audit and determine the claim of Wilda Linderman, Verne B. Linderman, and Norma L. Waller, as represented by Roy Waller, against the State of Montana for the damage and loss alleged to have been sustained by them as above related and if said board of examiners find that such damages were so sustained, as hereinbefore set forth, then such losses shall constitute a legal and valid claim against the State of Montana, and the board of examiners may award, approve and allow such claims in favor of the claimant for such sum as shall be just and equitable, and the auditor is hereby authorized to draw his warrant upon the state treasurer for such sum as may be allowed and approved by said board of examiners; provided, however, that no claim shall be allowed and approved by said board of examiners for any amount in excess of the sum of three thousand fifty dollars and eighteen cents ($3,050.18); provided further, that such claim must be filed with said board of examiners within three (3) months after the approval of this act.

Appropriation to pay claim.

Section 2. The sum of three thousand fifty dollars and eighteen cents ($3,050.18) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of paying any claim which may be allowed and approved by said board of examiners in favor of Wilda Linderman, Verne B. Linderman, and Norma L. Waller as represented by Roy Waller; provided, that in the event that any settlement is made with said Wilda Linderman, Verne B. Linderman, and Norma L. Waller or their agent, Roy Waller, that as a part of the consideration of said settlement, said claimants shall execute and deliver to the State of Montana, a release in full of all demands and claims of said claimants against the State of Montana to the date of said release.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

CHAPTER 277

An Act to Provide for the Issue and Sale by the State

HeinOnline -- 1955 758 1955

Board of Examiners of Bonds in Addition to Bonds Already Authorized to be Issued and Sold for the Purpose of Constructing, Building and Furnishing Quarters for the Governor; Designating the Funds From Which Said Bonds Shall be Paid; Providing for a Governor's Quarter's Construction Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of examiners authorized to issue bonds.

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds as an addition to bonds already authorized to be issued and sold for the purpose of constructing, building and furnishing quarters for the governor of the State of Montana.

Expenditure to construct mansion authorized.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect and/or engineer to complete plans; and to proceed to construct, build and furnish quarters for the governor, without delay, as soon as proceeds from the bonds are available.

Call for bids—bond required.

Section 3. The state board of examiners shall call for bids for such construction and furnishing and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractors to give bonds to the State of Montana in the amount of one hundred percent (100%) of the contract price, conditioned for the faithful performance of their duties and contracts.

Limitation on amount of bonds.

Section 4. The aggregate amount of bonds authorized by this act for the purposes herein expressed, shall not exceed the sum of fifty thousand dollars ($50,000.00) in addition to the bonds already authorized to be issued and sold.

Terms of bonds.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four percent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable at any time after the date of issue, at the option of the

HeinOnline -- 1955 759 1955

state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Manner of sale of bonds.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Bonds payable from capitol building land grant only.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, subject only to the prior dedication and appropriation of monies therefrom for the payment of principal and interest of bonds that are or may be issued pursuant to chapter 258 of the laws of the thirtieth legislative assembly, 1947, or that may be issued pursuant to chapter 7 of the laws of the thirty-third legislative assembly, 1953, shall be and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, in excess of the amount heretofore dedicated and appropriated by said chapter 258 of the laws of the thirtieth legislative assembly, 1947, or that may be dedicated and appropriated by chapter 7 of the laws of the thirty-third legislative assembly, 1953, shall likewise

Pledge of funds.

be and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act and to cover and pay the cost of constructing and furnishing said building to the extent said balances or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board

HeinOnline -- 1955 760 1955

of examiners as herein provided only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in or that may be accrued to said capitol building land grant in order to make available for such construction and furnishing said building a total of fifty thousand dollars ($50,000.00).

Governor's quarters construction interest fund to receive moneys pledged.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the construction and furnishing of said quarters, shall be paid into the governor's quarter's construction interest and sinking fund as created by chapter 77 of the laws of the thirty-third legislative assembly, 1953.

Excluded from budget act.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Severability clause.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other sections or part hereof.

Effective immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

CHAPTER 278

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Reconstructing and Renovating the State Capitol Building Including Roll Call Voting Machines in the House of Representatives Chambers; Designating the Funds From Which Said Bonds Shall be Paid; Providing for a State Capitol Building Reconstruction and Renovation Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 761 1955

Bonds authorized.

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds the proceeds of which are to be used solely for the purpose of reconstructing and renovating the state capitol building including roll call voting machines in the house of representatives chambers at Helena, Montana.

Funds for reconstruction, renovation of capitol building.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect and/or engineer to complete plans; and to proceed with the reconstruction and renovation of the state capitol building without delay, as soon as proceeds from the bonds are available.

Board of examiners to call for bids.

Performance bond required.

Section 3. The state board of examiners shall call for bids for the reconstruction and renovation of said building and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractors to give bonds to the State of Montana in the amount of one hundred percent (100%) of the contract price, conditioned for the faithful performance of their duties and contracts.

Limitation on amount of bond issue.

Section 4. The aggregate amount of bonds authorized by this act for the purposes herein expressed, shall not exceed the sum of seven hundred fifty thousand dollars ($750,000.00).

Terms of bonds.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four percent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable at any time after the date of issue, at the option of the state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

HeinOnline -- 1955 762 1955

Manner of sale of bonds.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Bonds payable from capitol building land grant only.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, shall be, and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, shall likewise be, and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act, and to cover and pay the cost of reconstructing and renovating of said building to the extent said balance or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided, only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in, or that may be accrued to, said capitol building land grant fund, in order to make available for such reconstructing and renovating of said building a total of seven hundred fifty thousand dollars ($750,000.00).

Grant fund pledged.

State capitol building reconstruction fund created.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the state capitol building reconstruction and renovation interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the reconstruction and renovation of said building.

Exception from budget act.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

HeinOnline -- 1955 763 1955

Severability clause.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Effective immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 15. 1955.

CHAPTER 279

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Purchasing Lands in Lewis and Clark County, Montana, to Provide for the Future Building Needs of the State of Montana; Providing for a State Land Acquisition Interest and Sinking Fund; Providing for Airconditioning and Rock Excavation in the Laboratory Building; Providing for Laboratory Facilities for the Board of Health; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Bonds authorized for land purchases.

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of purchasing lands in Lewis and Clark county to provide for the future building needs and laboratory facilities for the State of Montana.

Examiners empowered to negotiate purchases.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to enter into negotiations, and contract with private or other persons to buy lands in Lewis and Clark county, Montana, without delay, as soon as proceeds from the bonds are available.

Eminent domain authorized.

Section 3. The attorney general for the State of Montana is hereby authorized, empowered, and directed to use the right of condemnation, if such is necessary for the acquisition of lands suitable and necessary to fulfill the purposes of this act.

Limitation on amount authorized.

Section 4. The aggregate amount of bonds authorized by this act for the purposes herein expressed, shall not exceed

HeinOnline -- 1955 764 1955

the sum of one hundred seventy-three thousand four hundred dollars ($173,400.00) more particularly itemized as follows:

For land purchases, sixty-eight thousand four hundred dollars $68,400.00

For air conditioning laboratory building, seventy-three thousand six hundred dollars $73,600.00

For rock excavation, six thousand four hundred dollars ..... $ 6,400.00

For equipping and furnishing board of health laboratory in the laboratory building, twenty-five thousand dollars $25,000.00

Terms of bonds.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four percent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable at any time after the date of issue, at the option of the state board of examiners. Said bonds shall be in such denominations and sum and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Manner of sale of bonds.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Payable from capitol building grant fund only.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund

HeinOnline -- 1955 765 1955

and from it only: All the income received from the capitol building land grant, shall be, and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, shall likewise be, and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act, and to cover and pay for the cost of acquiring lands to the extent said balances or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided, only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in, or that may be accrued to, said capitol building land grant fund, in order to make available for the purposes set forth in section 4 of this act a total of one hundred seventy-three thousand four hundred dollars ($173,400.00).

Pledge of fund.

Special fund created.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the state land acquisition and laboratory facilities interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the acquisition of lands in Lewis and Clark county, Montana, for the future building needs of the State of Montana and laboratory facilities for the State of Montana.

Exclusion from budget act.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Severability clause.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Effective immediately.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 15. 1955.

HeinOnline -- 1955 766 1955

APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Thirty-fourth Legislative Assembly

STATE OF MONTANA

1955

HeinOnline -- 1955 767 1955

HeinOnline -- 1955 768 1955

APPROPRIATIONS
MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 3

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirty-fourth Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Thirty-fourth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other;

For the payment of mileage and per diem to the members of the thirty-fourth legislative assembly of the State of Montana.
Ninety-six thousand dollars .....$ 96,000.00

For the payment of per diem to the officers and attaches of the thirty-fourth legislative assembly of the State of Montana.
One hundred ten thousand dollars $110,000.00

For the payment of incidental expenses of the thirty-fourth legislative assembly of the State of Montana.
Sixty-four thousand dollars .....$ 64,000.00

Section 2. The amounts appropriated herein are to be used for the purpose designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 7, 1955.

HeinOnline -- 1955 769 1955

HOUSE BILL NO. 16

An Act to Appropriate Money for the Purchase of Replacement Volumes of the Revised Codes of Montana of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purchase of replacement volumes of the Revised Codes of Montana of 1947 published by the publishers and distributors thereof, as follows:

FROM THE GENERAL FUND

For the period beginning July 1, 1955, and ending June 30, 1956, for four hundred forty (440) replacement volumes, at seventeen dollars and fifty cents ($17.50) per volume, seven thousand seven hundred dollars $7,700.00

For the period beginning July 1, 1956, and ending June 30, 1957, for four hundred forty (440) replacement volumes, at seventeen dollars and fifty cents ($17.50) per volume, seven thousand seven hundred dollars $7,700.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1955.

HOUSE BILL NO. 61

An Act to Appropriate Money for the Purchase of Cumulative Pocket Supplements of 1955, for the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or sums or so much thereof as may be necessary, be, and the same are hereby appropriated, for the purchase of Cumulative Pocket Supplements of 1955, for the Revised Codes of Montana, 1947, as follows:

HeinOnline -- 1955 770 1955

FROM THE GENERAL FUND

375 sets Cumulative Pocket Supplements for 1955, for the Revised Codes of Montana, 1947, at twelve dollars and fifty cents ($12.50) per set, four thousand six hundred eighty-seven dollars and fifty cents $4,687.50

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1955.

HOUSE BILL NO. 62

An Act to Appropriate Money for the Purchase of Sets of the Revised Codes of Montana, 1947, and Replacement Volumes Three and Four of Said Code.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the state treasury not otherwise provided for the purposes hereinafter expressed for the current biennium ending June 30, 1955:

FROM THE GENERAL FUND

For the purchase of four (4) sets of the Revised Codes of Montana, 1947, including Replacement Volumes Three and Four for each set as published by the publishers and distributors thereof, at ninety-five ($95.00) dollars per set, three hundred and eighty dollars $380.00

For the purchase of thirty-five (35) copies of Replacement Volume Three of the Revised Codes of Montana, 1947, at seventeen dollars and fifty cents ($17.50), six hundred twelve dollars and fifty cents $612.50

For the purchase of thirty-five (35) copies of Replacement Volume Four of the Revised Codes of Montana, 1947, at seventeen dollars and fifty cents ($17.50) per volume, six hundren twelve dollars and fifty cents $612.50

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

HeinOnline -- 1955 771 1955

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1955.

HOUSE BILL NO. 119

An Act to Appropriate Money for the Construction of Facilities Necessary for the Administration and Training of the National Guard.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of one hundred eighteen thousand ($118,000.00) dollars to the adjutant general for the sole purpose of constructing, under the provisions of Public Law 783, Eighty-first Congress, facilities necessary for the administration and training of the National Guard.

Section 2. No part of the funds appropriated hereby shall be expended for the purchase or lease of any site for such facility.

Section 3. An emergency is hereby declared, and the appropriation hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

HOUSE BILL NO. 145

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising from Obligations Incurred by the Governor's Office for Requisitions, the Thirty-third Legislative Assembly, District Judges, State Auditor's Office, Attorney General's Office, Board of Equalization, Capitol Custodian, Montana State Training School, and for the State Highway Department; and an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any

HeinOnline -- 1955 772 1955

money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims:

FROM THE GENERAL FUND

For obligations incurred by the governor's office for requisitions, three thousand five hundred sixty-three dollars and sixty-nine cents ($3,563.69), more particularly itemized as follows:

Roy R. Stewart, Billings, Montana	$737.86
Chouteau County, Fort Benton, Montana	$180.60
Lloyd Raymond, Hamilton, Montana	$181.30
Paul H. Temple, Dillon, Montana	$293.51
D. J. Leeper, Great Falls, Montana	$219.03
Dan Hay, Chinook, Montana	$433.20
R. D. McLean, Missoula, Montana	$280.28
Roy R. Stewart, Billings, Montana	$341.32
R. D. McLean, Missoula, Montana	$896.59

For obligations incurred by the thirty-third legislative assembly, sixteen thousand nine hundred sixty-seven dollars and seventy-eight cents ($16,967.78), more particularly itemized as follows:

State Publishing Company for:	
1953 House Journal	$5,376.17
1953 Senate Journal	$5,172.14
800 copies 1953 Session Laws	$6,419.47

For obligations incurred by the district judges, one hundred forty-three dollars and seventy-seven cents ($143.77), more particularly itemized as follows:

Industrial accident board	$143.77

For obligations incurred by the state auditor's office, four dollars and eighty-six cents ($4.86), more particularly itemized as follows:

P. E. R. S.—(Employer contribution on James E. McKenna) $4.86

For obligations incurred by district judges, one thousand nine dollars and forty-nine cents ($1,009.49), more particularly itemized as follows:

Benjamin E. Berg	$ 23.04
Albert Besancon	$111.18
C. E. Comer	$ 65.34
C. B. Elwell	$174.66
W. R. Flachsenhar	$ 90.54

HeinOnline -- 1955 773 1955

F. S. P. Foss ..... $ 69.45
Dean King ..... $ 30.72
W. W. Lessley $108.63
Stewart McConochie $153.41
S. D. McKinnon ..... $ 29.42
James T. Shea ..... $ 70.52
William R. Taylor ..... $ 40.48
F. V. Watts ..... $ 42.10

For obligations incurred by the attorney general's office, six hundred four dollars and eighty-nine cents ($604.89), more particularly itemized as follows:

Attorney general's office:
Mountain States Telephone and Telegraph Company $462.93
Industrial accident board $141.96

For obligations incurred by the capitol custodian, three thousand eight hundred thirty-one dollars and thirty-one cents ($3,831.31), more particularly itemized as follows:

Montana Power Company $3,831.31

For obligations incurred by the board of equalization, two hundred two dollars and forty-two cents ($202.42), more particularly itemized as follows:

Board of equalization, Great Northern Railway $202.42

For obligations incurred by the board of equalization, two hundred fifty-two dollars and sixty-one cents ($252.61), more particularly itemized as follows:

Alco Ranches $45.00
Billings Hardware Company $54.95
McKinnon-Decker Company $98.03
Reber Plumbing and Heating Company $54.63

For obligations incurred by the Montana state training school, fifty-four thousand three hundred ninety-seven dollars and twenty-three cents ($54,397.23), more particularly itemized as follows:

Reardon Plumbing and Heating Company:
Estimate No. 19 ..... $ 1,530.00
Estimate No. 20 ..... $ 2,160.00
Estimate No. 21 ..... $ 2,291.49
C-P Electric, Incorporation:
Estimate No. 13 ..... $ 598.50
Estimate No. 14 ..... $ 257.19

HeinOnline -- 1955 774 1955

Lester Brown—painting contracts assigned to The First National Bank of Butte:

Estimate No. 1 and final	$ 4,797.00
J. G. Link and Company—architects:	
Claim of September 11, 1953	$ 526.77
Claim of November 17, 1953	$ 1,232.99
Claim of August 3, 1954	$ 3,403.29
Certificate No. 14 Sea Board Surety Company	$13,050.00
Certificate No. 15 Sea Board Surety Company	$ 4,950.00
Certificate No. 16 Sea Board Surety Company	$ 8,550.00
Certificate No. 17 Sea Board Surety Company	$ 6,390.00
Certificate No. 18 Sea Board Surety Company	$ 4,660.00

For obligations incurred by the Montana state training school, one thousand two hundred eighty-seven dollars and two cents ($1,287.02), more particularly itemized as follows:

P. E. R. S.	$1,287.02

FROM THE HIGHWAY FUND

For obligations incurred by the state highway commission, four thousand five hundred ninety-four dollars and forty-two cents ($4,594.42), more particularly itemized as follows:

Treasurer of the United States, regional fiscal agent:	
Forest service	$ 157.25
Northern Pacific Railway	$ 306.87
Hart Lumber Company	$4,130.30

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

HOUSE BILL NO. 152

An Act Making Appropriations for the State Public School Equalization Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1955, and Ending June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

HeinOnline -- 1955 775 1955

Section 1. That there is hereby appropriated from the state treasury to the state public school equalization fund, to be distributed in accordance with the provisions of law, for the period beginning July 1, 1955, and ending June 30, 1956, the following sum, or so much thereof as may be necessary:

FROM THE GENERAL FUND

Four million six hundred sixty-five thousand dollars $4,665,000.00

Section 2. That there is hereby appropriated from the state treasury to the state public school equalization fund, to be distributed in accordance with the provisions of law, for the period beginning July 1, 1956, and ending June 30, 1957, the following sum, or so much thereof as may be necessary:

FROM THE GENERAL FUND

Five million dollars $5,000,000.00

Section 3. No part of such funds shall be distributed prior to December 2, 1955.

Section 4. It is hereby provided that none of the funds allocated, or any other funds allocated to the state public school equalization fund, shall be paid out to the school districts of the state in excess of the foundation program needs, as established by Section 3, Chapter 199, Laws of 1949, as amended, or in excess of the state equalization percentage established under the provisions of Section 19, Chapter 199, Laws of 1949.

Section 5. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved February 21, 1955.

HOUSE BILL NO. 190

An Act Appropriating Money from the Escheated Estates' Fund to the Attorney General for the Following Purposes: To Enable the Attorney General to Hire Expert Witnesses in the Trial of Escheated Estates; to Order and Pay for the Taking of Depositions of Necessary Witnesses in Escheated Estates; to Employ Counsel to Represent the State of Montana in the Taking of Depositions and Interviewing Witnesses; to Subpoena Witnesses and to Pay Their Fees and Necessary Traveling Expenses; to

HeinOnline -- 1955 776 1955

Pay Costs of Printing of Briefs and Transcripts, Stenographic Fees and Services; to Order and Secure Original Documents and Photostats Thereof; to Pay the Salary of the Special Assistant Attorney General in Charge of Escheated Estates and Pay His Necessary Travel and Other Expenses and in General to Further the Enforcement of the Escheated Property Act, and Reappropriating Any Balance of Money Remaining on June 30, 1955, From That Specific Appropriation Made From the Escheated Estates' Fund Under the Provisions of Substitute House Bill No. 107 of the Thirty-third Legislative Assembly, to Be Used by the Attorney General for the Purposes Specified in This Appropriation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated to the attorney general out of the escheated estates' fund the sum of fifteen thousand ($15,000.00) dollars, or so much thereof as may be necessary for the period to June 30, 1957, in order to enable the attorney general to make provision for payment of the following expenditures; to pay the salary of the special assistant attorney general in charge of escheated estates and pay his necessary travel and other expenses; fees and traveling expenses for expert witnesses; opinions from qualified experts in the field of foreign law, in aid of trial preparation; original and photostatic documents; depositions; printing of transcripts and briefs; stenographic fees and services; employment of counsel to represent the State of Montana in the taking of depositions in this country or foreign countries and for such other expenses as shall become necessary in connection with the effective and efficient enforcement of the escheated property act.

Section 2. There is hereby reappropriated and this does hereby appropriate for the period beginning July 1, 1955, and ending June 30, 1957, all sums of money remaining from that certain specific appropriation to the attorney general of the sum of thirty-four thousand ($34,000.00) dollars for the purposes set forth in Substitute House Bill No. 107 of the thirty-third legislative assembly, which said purposes are specifically enumerated in section 1 hereof.

Section 3. The appropriation provided for in section 1 hereinabove, as well as the appropriated balance contained in section 2 hereof, each shall be determined and held valid notwithstanding the provisions of the budget act.

Approved March 15, 1955.

HeinOnline -- 1955 777 1955

HOUSE BILL NO. 192

An Act to Appropriate Money to the Board of Examiners from the Capitol Land Grant Fund in the Sum of One Thousand Six Hundred Eighteen Dollars and Twenty-two Cents ($1,618.22) to Purchase Certain Lots Adjacent to Capitol Grounds, Providing for Title to Be Vested in the State of Montana; and Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum of one thousand six hundred eighteen dollars and twenty-two cents ($1,618.22), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury from the capitol land grant fund, not otherwise appropriated, to the board of examiners for the purchase of lots ten and eleven (10 and 11) in block nineteen (19), Corbin addition to the City of Helena, Lewis and Clark county, State of Montana; said title of above lots to be vested in the State of Montana.

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1955.

HOUSE BILL NO. 251

An Act to Appropriate Money to the State Board of Health for a Supplemental Appropriation for the Mobile Chest X-ray Survey.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated to the state board of health for its use in the continuation of the services of the mobile chest X-ray survey for the fiscal year 1954-1955, as follows:

From the general fund, eight thousand two hundred dollars $8,200.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1955.

HeinOnline -- 1955 778 1955

HOUSE BILL NO. 298

An Act to Appropriate Money for the Purpose of Making Settlement with Richard Meens Arising from an Obligation Incurred for the Payment of Salary for Richard Meens, a Professor at Eastern Montana College of Education, Billings, Montana, and Providing That the State Board of Examiners Shall Make Final and Complete Settlement.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of six thousand three hundred fifty dollars and eighty-six cents ($6,350.86), or so much thereof, as may be necessary, be, and the same is hereby appropriated out of the university millage fund, not otherwise appropriated, for the settlement of the claim of Richard Meens arising from an obligation incurred from the payment of salary of the said Richard Meens, a professor at Eastern Montana College of Education, Billings, Montana.

Section 2. It is hereby provided that the state board of examiners is given authority to make final and complete settlement with the aforesaid Richard Meens, provided however, that in making such settlement the amount to be paid Richard Meens shall not exceed the appropriation contained herein, provided, however, that as part of consideration of said settlement, said claimant shall execute and deliver to the State of Montana, a release in full of all demands and claims of said claimant against the State of Montana to the date of said release.

Section 3. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

HOUSE BILL NO. 417

An Act to Appropriate Money for the Purchasing of Thirty-two (32) New Stenographic Chairs for the Thirty-fourth Legislative Assembly of the State of Montana and for Use of Legislative Assemblies Thereafter; Providing for the Procedure to Be Followed With Respect to the Purchase of Said Chairs; Providing for the Said Appropriation to Be Valid Notwithstanding the Pro-

HeinOnline -- 1955 779 1955

visions of the Budget Act; Providing for This Act to Be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum of money or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of securing thirty-two (32) new stenographic chairs for the thirty-fourth legislative assembly of the State of Montana and for use of legislative assemblies thereafter, the sum of one thousand four hundred eighty-four dollars and twenty-five cents ($1,484.25).

Section 2. The state board of examiners shall immediately purchase as provided by law, through the state controller, thirty-two (32) suitable new stenographic chairs and have the same properly marked and placed in the senate and house so that each body shall each receive one-half of the said chairs.

Section 3. The sergeants-at-arms of the thirty-fourth legislative assembly of the State of Montana shall within their inventories provide for the inclusion of the said chairs and shall at the termination of the thirty-fourth legislative assembly provide for the proper storage within the state capitol building for use by legislative assemblies thereafter.

Section 4. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

HOUSE BILL NO. 418

An Act Appropriating Money to the Montana Trade Commission for the Purpose of Investigating Price-Fixing Practices in the Marketing of Gasoline and Refined Petroleum Products in Montana, and Possible Violations of Constitutional and Statutory Provisions; and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars ($20,000.00), or so much thereof as may be necessary,

HeinOnline -- 1955 780 1955

to the Montana trade commission, for the purpose of investigating the prevailing methods of fixing prices in the marketing of gasoline and refined petroleum products in Montana, to determine whether such price-fixing methods are in violation of the constitution and statutes of Montana, and shall cause to be prosecuted, by civil or criminal actions, or both, any such violations.

Section 2. An emergency is hereby declared, and the appropriation hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

HOUSE BILL NO. 420

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1955. and Ending June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees, or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital" unless otherwise designated or defined, means all articles, fixures and goods of a permanent nature, but, in no event shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

HeinOnline -- 1955 781 1955

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed for the period beginning July 1, 1955, and ending June 30, 1956.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

Salaries, twenty-six thousand five hundred dollars $26,500.00

Capital, repairs and replacements, four hundred fifty-five dollars .....$ 455.00

HeinOnline -- 1955 782 1955

Operation, five thousand one hundred dollars ..... $ 5,100.00

Public employees' employment retirement system, eight hundred sixty-three dollars ..... $ 863.00

Requisitions, eight thousand dollars ..... $ 8,000.00

Council of state governments, five hundred dollars ..... $ 500.00

GOVERNOR'S MANSION

FROM THE GENERAL FUND

Salaries and expenses, seven thousand five hundred twenty-five dollars ..... $ 7,525.00

SECRETARY OF STATE

FROM THE GENERAL FUND

Salaries, twenty-nine thousand five hundred dollars $29,500.00

Capital, repairs and replacements, one thousand seven hundred sixty dollars ..... $ 1,760.00

Operation, four thousand four hundred twenty-five dollars ..... $ 4,425.00

Salaries and expenses for elections, amendments, initiative and referendum measures, two thousand nine hundred eighty dollars ..... $ 2,980.00

Public employees' retirement system, one thousand dollars ..... $ 1,000.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

Salaries, sixty-one thousand one hundred forty dollars .. $61,140.00

Capital, repairs and replacements, one thousand nine hundred thirty-nine dollars ..... $ 1,939.00

Operation, twelve thousand eight hundred dollars and twenty cents $12,808.20

Public employees' retirement system, two thousand seventy-five dollars ..... $ 2,075.00

HeinOnline -- 1955 783 1955

STATE TREASURER

FROM THE GENERAL FUND

Salaries, twenty-three thousand three hundred fourteen dollars $23,314.00

Capital, repairs and replacements, six hundred ninety-five dollars ..... $ 695.00

Operation, two thousand six hundred thirty-five dollars $ 2,635.00

Public employees' retirement system, eight hundred three dollars ..... $ 803.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

Salaries, twenty-eight thousand dollars $28,000.00

Capital, repairs and replacements, two thousand three hundred dollars ..... $ 2,300.00

Operation, five thousand nine hundred eighty-eight dollars ..... $ 5,988.00

Public employees' retirement system, two thousand six hundred eighty-nine dollars and forty cents ..... $ 2,689.40

FROM THE HIGHWAY FUND

Salaries and operation, eight thousand four hundred dollars ..... $ 8,400.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

Salaries, twenty-three thousand dollars $23,000.00

Capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

Operation, six thousand five hundred dollars ..... $ 6,500.00

INSURANCE RATING

FROM THE GENERAL FUND

Salaries and expenses, seven thousand five hundred dollars ..... $ 7,500.00

HeinOnline -- 1955 784 1955

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

Salaries, seven thousand two hundred dollars ..... $ 7,200.00

Operation, eight hundred dollars ..... $ 800.00

FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

Salaries and expenses, fourteen thousand dollars $14,000.00

Capital, repairs and replacements, one thousand five hundred dollars ..... $ 1,500.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 11-1919 of the Revised Codes of Montana, 1947, an appropriation sufficient to meet the requirements as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

Salaries, seventy-four thousand nine hundred dollars $74,900.00

Capital, repairs and replacements, nine hundred fifty dollars ..... $ 950.00

Operation, seven thousand ninety-five dollars ..... $ 7,095.00

Public employees' retirement system, two thousand six hundred dollars ..... $ 2,600.00

ATTORNEYS LICENSING BOARD

FROM ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

FROM THE GENERAL FUND

Salaries, seventy-three thousand nine hundred eighty dollars $73,980.00

Capital, repairs and replacements, one thousand five hundred dollars ..... $ 1,500.00

HeinOnline -- 1955 785 1955

Operation, twenty-four thousand dollars $24,000.00

Public employees' retirement system, two thousand five hundred seventy-two dollars ..... $ 2,572.00

For pleading interstate commerce commission and court expense, three thousand dollars ..... $ 3,000.00

All funds used from this appropriation for pleading interstate commerce commission cases must be substantiated by the interstate commerce commission case numbers including subject involved, and same must be submitted to the next legislative assembly in support of its next biennial budget request.

SUPERINTENDENT OF PUBLIC INSTRUCTION

ADMINISTRATION AND SUPERVISORS

FROM THE GENERAL FUND

Salaries, forty-eight thousand four hundred ninety-six dollars $48,496.00

Capital, repairs and replacements, two thousand dollars $ 2,000.00

Operation, seventeen thousand eight hundred fifty-two dollars $17,852.00

Public employees' retirement system and teachers' retirement system, one thousand eight hundred dollars ..... $ 1,800.00

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, thirty-eight thousand seven hundred dollars $38,700.00

Capital, repairs and replacements, nine hundred dollars $ 900.00

Public employees' retirement system and teachers' retirement system, one thousand two hundred dollars ..... $ 1,200.00

SCHOOL LUNCH PROGRAM

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, twenty-two thousand three hundred thirty dollars $22,330.00

Public employees' retirement system and teachers retirement system, seven hundred dollars ..... $ 700.00

HeinOnline -- 1955 786 1955

There is hereby appropriated from the public school equalization fund the sum of eighteen thousand dollars ($18,000.00) for a revolving fund for the biennium to cover the handling charges of commodities to districts, to be reimbursed by such districts.

CERTIFICATION DEPARTMENT

FROM THE GENERAL FUND

Salaries and expenses, one thousand dollars .....$ 1,000.00

FROM THE TEACHERS' CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

TEXTBOOK LICENSE DIVISION

FROM THE TEXTBOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 3. Any balances remaining in the revolving fund to cover the handling charges of commodities to districts, to be reimbursed by such districts under the school lunch program, shall revert to the public school equalization fund from which it was previously appropriated.

Section 4. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed for the period beginning July 1, 1956, and ending June 30, 1957.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

Salaries, twenty-seven thousand dollars $27,000.00

Capital, repairs and replacements, eighty dollars .....$ 80.00

Operation, four thousand five hundred dollars .....$ 4,500.00

Public employees' retirement system, eight hundred sixty-three dollars .....$ 863.00

Requisitions, seven thousand dollars .....$ 7,000.00

Council of state government, five hundred dollars .....$ 500.00

HeinOnline -- 1955 787 1955

GOVERNOR'S MANSION

FROM THE GENERAL FUND

Salaries and expenses, seven thousand five hundred twenty-five dollars ..... $ 7,525.00

SECRETARY OF STATE

FROM THE GENERAL FUND

Salaries, twenty-nine thousand five hundred dollars $29,500.00

Capital, repairs and replacements, three hundred fifty dollars ..... $ 350.00

Operation, three thousand five hundred twenty-five dollars ..... $ 3,525.00

Salaries and expenses for elections, publishing amendments, initiative and referendum measures, twenty-one thousand six hundred twenty-five dollars $21,625.00

Public employees' retirement system, one thousand dollars ..... $ 1,000.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

Salaries, sixty-one thousand one hundred forty dollars .. $61,140.00

Capital, repairs and replacements, seven hundred forty-four dollars ..... $ 744.00

Operation, nine thousand four hundred fifty-eight dollars and twenty cents ..... $ 9,458.20

Public employees' retirement system, two thousand seventy-five dollars ..... $ 2,075.00

STATE TREASURER

FROM THE GENERAL FUND

Salaries, twenty-three thousand three hundred fourteen dollars $23,314.00

Capital, repairs and replacements, seven hundred fifteen dollars ..... $ 715.00

Operation, two thousand six hundred thirty-five dollars $ 2,635.00

HeinOnline -- 1955 788 1955

Public employees' retirement system, seven hundred fifty dollars ..... $ 750.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

Salaries, twenty-eight thousand dollars $28,000.00

Capital, repairs and replacements, two thousand four hundred dollars ..... $ 2,400.00

Operation, seven thousand nine hundred dollars ..... $ 7,900.00

Public employees' retirement system, two thousand six hundred eighty-nine dollars and forty cents ..... $ 2,689.40

FROM THE HIGHWAY FUND

Salaries and operation, eight thousand four hundred dollars ..... $ 8,400.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

Salaries, twenty-three thousand dollars $23,000.00

Capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

Operation, three thousand five hundred dollars ..... $ 3,500.00

INSURANCE RATING

FROM THE GENERAL FUND

Salaries and expenses, seven thousand five hundred dollars ..... $ 7,500.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

Salaries, seven thousand two hundred dollars ..... $ 7,200.00

Operation, eight hundred dollars ..... $ 800.00

FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

Salaries and expenses, thirteen thousand two hundred thirty-five dollars $13,235.00

HeinOnline -- 1955 789 1955

Capital, repairs and replacements, one thousand five hundred dollars ..... $ 1,500.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 11-1919 of the Revised Codes of Montana, 1947, an appropriation sufficient to meet the requirements as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

Salaries, seventy-four thousand nine hundred dollars $74,900.00

Capital, repairs and replacements, five hundred seventy-five dollars ..... $ 575.00

Operation, nine thousand two hundred ninety-five dollars ..... $ 9,295.00

Public employees' retirement system, two thousand five hundred dollars ..... $ 2,500.00

ATTORNEYS LICENSING BOARD

FROM ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

FROM THE GENERAL FUND

Salaries, seventy-three thousand nine hundred eighty dollars $73,980.00

Capital, repairs and replacements, three hundred dollars ..... $ 300.00

Operation, twenty-four thousand dollars $24,000.00

Public employees' retirement system, two thousand four hundred sixty dollars ..... $ 2,460.00

Pleading interstate commerce commission and court expense, three thousand dollars ..... $ 3,000.00

All funds used from this appropriation for pleading interstate commerce commission cases must be substantiated by the interstate

HeinOnline -- 1955 790 1955

commerce commission case numbers including subject involved, and same must be submitted to the next legislative assembly in support of its next biennial budget request.

SUPERINTENDENT OF PUBLIC INSTRUCTION

ADMINISTRATION AND SUPERVISORS

FROM THE GENERAL FUND

Salaries, forty-eight thousand four hundred ninety-six dollars $48,496.00

Capital, repairs and replacements, one thousand two hundred fifty dollars ..... $ 1,250.00

Operation, seventeen thousand eight hundred fifty-two dollars $17,852.00

Public employees' retirement system and teachers' retirement system, one thousand eight hundred dollars ..... $ 1,800.00

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, thirty-eight thousand seven hundred dollars $38,700.00

Public employees' retirement system and teachers' retirement system, one thousand two hundred dollars ..... $ 1,200.00

SCHOOL LUNCH PROGRAM

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, twenty-two thousand three hundred thirty dollars $22,330.00

Public employees' retirement system and teachers' retirement system, seven hundred dollars ..... $ 700.00

CERTIFICATION DEPARTMENT

FROM THE GENERAL FUND

Salaries and expenses, one thousand dollars ..... $ 1,000.00

FROM THE TEACHERS' CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

HeinOnline -- 1955 791 1955

TEXTBOOK LICENSE DIVISION

FROM THE TEXTBOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 5. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangeable between divisions, and the definitions given in section 1 of this act shall govern all appropriations.

Section 6. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on its minutes the reasons for its permission.

Approved March 15, 1955.

HOUSE BILL NO. 421

An Act to Appropriate Money to the Board of Examiners for the Payment of Certain Contract Obligations at the Montana State Prison for the Purchase of Lands Known as Deer Lodge Valley Farms, Payment of Lease on Certain State and Forest Lands, Payment of Taxes on Lands Under Purchase Contract, Final Payment on Machinery Purchase Contract, and to Pay Interest on Unpaid Balance and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of carrying out the provisions as set forth in this act.

FROM THE GENERAL FUND

For obligations incurred by the board of examiners for the payment of purchase contract on lands, lease on certain lands, payment of taxes, payment of interest, and final payment on machinery contract for the sum of two hundred thirty-four thousand eight hundred eighty-two dollars and sixty-five cents ($234,882.65), more particularly itemized as follows:

HeinOnline -- 1955 792 1955

Annual payment on lease and purchase for 1955:

Deer Lodge Valley Farms $65,992.80

Interest on unpaid balance $23,757.14

Annual payment on lease and purchase for 1956 ..... $65,992.80

Interest on unpaid balance $20,787.46

Miscellaneous:

Insurance (ranch buildings), 1955 and 1956 ..... $ 1,050.00

U. S. forest and state school lands' lease for 1955 and 1956 ..... $ 2,000.00

Taxes on Deer Lodge farms, 1955 and 1956 ..... $13,100.00

Contingencies ..... $ 850.00

Balance due on machinery contract $41,352.45

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1955.

HOUSE BILL NO. 422

An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and for All Other Expenditures Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning With July 1, 1955, and Terminating With June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million four hundred twenty-seven thousand six hundred twenty-two dollars ($4,427,622.00), for public assistance, for administrative costs in the state department and the county departments of public

HeinOnline -- 1955 793 1955

welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1955, and terminating with June 30, 1956.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of two million one hundred ninety-four thousand seven hundred forty-two dollars ..... $ 2,194,742.00

(b) For aid to dependent children, the sum of eight hundred ninety-seven thousand two hundred eighty dollars ..... $ 897,280.00

(c) For aid to needy blind, the sum of one hundred ninety-nine thousand four hundred fifty dollars ..... $ 199,450.00

(d) For aid to the permanently and totally disabled, the sum of two hundred thirty-one thousand eight hundred fifty dollars ..... $ 231,850.00

(e) For child welfare services, including all state administrative costs, the sum of forty thousand dollars $ 40,000.00

(f) For the payment of board and room for dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one half of such cost, the sum of sixty-three thousand dollars ..... $ 63,000.00

(g) For general relief and contingencies, the sum of one hundred twenty-five thousand dollars ..... $ 125,000.00

(h) For payment to persons having silicosis, pursuant to provisions of Sections 71-1001 to 71-1008 inclusive, Revised Codes of 1947, as amended, and for medical examinations, transportation and other related services, the sum of four hundred fifty-one thousand eight hundred dollars ..... $ 451,800.00

(i) For employer's contribution to the public employee's retirement system, the sum of fourteen thousand five hundred dollars ..... $ 14,500.00

HeinOnline -- 1955 794 1955

(j) For administrative costs of the state department not otherwise provided for including advances of the compensation and expenses of the personnel staff attached to county welfare boards the sum of two hundred ten thousand dollars ..... $ 210,000.00

Section 3. There is hereby appropriated for the state department of public welfare of the State of Montana out of any funds in the state treasury not otherwise appropriated the sum of four million four hundred twenty-seven thousand six hundred twenty-two dollars ($4,427,622.00) for public assistance, for administrative costs in the state department and in the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1956, and terminating with June 30, 1957.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of two million one hundred ninety-four thousand seven hundred forty-two dollars ..... $ 2,194,742.00

(b) For aid to dependent children, the sum of eight hundred ninety-seven thousand two hundred eighty dollars ..... $ 897,280.00

(c) For aid to needy blind, the sum of one hundred ninety-nine thousand four hundred fifty dollars ..... $ 199,450.00

(d) For aid to the permanently and totally disabled, the sum of two hundred thirty-one thousand eight hundred fifty dollars ..... $ 231,850.00

(e) For child welfare services, including all state administrative costs, the sum of forty thousand dollars .. $ 40,000.00

(f) For the payment of board and room for dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one half of such cost, the sum of sixty-three thousand dollars ..... $ 63,000.00

(g) For general relief and contingencies, the sum of one hundred twenty-five thousand dollars ..... $ 125,000.00

HeinOnline -- 1955 795 1955

(h) For payment to persons having silicosis, pursuant to provisions of Sections 71-1001 to 71-1008, inclusive, Revised Codes of 1947, as amended, and for medical examinations, transportation and other related services, the sum of four hundred fifty-one thousand eight hundred dollars ..... $ 451,800.00

(i) For employer's contribution to the public employees' retirement system, the sum of fourteen thousand five hundred dollars ..... $ 14,500.00

(j) For administrative costs of the state department not otherwise provided for including advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of two hundred ten thousand dollars ..... $ 210,000.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1955, and all funds which may be received from counties as reimbursements for the purposes for which they are designated and any other funds which may be received by the state department of public welfare.

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose, may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no part of items, a, b, c, d, e, f, g and h shall be transferred to items i and j, retirement and administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 15, 1955.

HOUSE BILL NO. 425

An Act to Appropriate Money for the Purpose of Paying Expenses, as Designated Herein, for Montana State Training School, State Orphans' Home, Vocational School for Girls, Bureau of Vocational Rehabilitation, County Attorneys, Governor's Office, State Forester, State Treasurer, Milk Control Board, State Library Extension Commission, Montana State Prison, Montana Soldiers' Home, District Judges, Memorial Building, Mitchell Building, Capitol Custodian, Department of State Lands and Investments, Montana

HeinOnline -- 1955 796 1955

State Hospital, Montana State Industrial School, Board of Education, Superintendent of Public Instruction, Attorney General's Office, and State Park Division, for the Remainder of the Current Fiscal Year Ending June 30, 1955, it Being Determined the Appropriation Made by the Thirty-third Legislative Assembly, to be Insufficient; and to Transfer Monies From One Fund to Another Within the Budget of Highway Patrol, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1955:

MONTANA STATE TRAINING SCHOOL

FROM THE GENERAL FUND

Public employees' retirement system, two thousand three hundred seventy-two dollars and fifty-one cents .....$ 2,372.51

Operation, three thousand five hundred dollars .....$ 3,500.00

STATE ORPHANS' HOME

FROM THE GENERAL FUND

Salaries and expenses, forty-one thousand dollars $41,000.00

Teachers' retirement system, two hundred forty-eight dollars and seventeen cents .....$ 248.17

VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

Salaries, seven thousand seven hundred sixty-three dollars and fifty cents .....$ 7,763.50

Operation, five thousand dollars .....$ 5,000.00

Subsistence, seven thousand dollars .....$ 7,000.00

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

Operational expense, five thousand dollars .....$ 5,000.00

HeinOnline -- 1955 797 1955

COUNTY ATTORNEYS

FROM THE GENERAL FUND

Salaries, four thousand three hundred dollars .....$ 4,300.00

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For extraditions, five thousand dollars .....$ 5,000.00

STATE FORESTER

FROM THE GENERAL FUND

Public employees' retirement system, two thousand twenty-five dollars .....$ 2,025.00

STATE TREASURER

FROM THE GENERAL FUND

Operational expense, three thousand seventy-nine dollars and eighty-eight cents .....$ 3,079.88

MILK CONTROL BOARD

FROM THE GENERAL FUND

Operation, two thousand two hundred dollars .....$ 2,200.00

STATE LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

Public employees' retirement system, forty-five dollars and ninety-five cents .....$ 45.95

MONTANA STATE PRISON

FROM THE GENERAL FUND

Operation, sixty thousand dollars $60,000.00

MONTANA SOLDIERS' HOME

FROM THE GENERAL FUND

Operation, four hundred dollars.....$ 400.00

DISTRICT JUDGES

FROM THE GENERAL FUND

Salaries and expenses, two thousand dollars .....$ 2,000.00

HeinOnline -- 1955 798 1955

MEMORIAL BUILDING

FROM THE GENERAL FUND

Salaries, six thousand dollars ..... $ 6,000.00

Operation, three thousand dollars ..... $ 3,000.00

MITCHELL BUILDING

FROM THE GENERAL FUND

Salaries, two thousand dollars ..... $ 2,000.00

Operation, six thousand dollars ..... $ 6,000.00

CAPITOL CUSTODIAN

FROM THE GENERAL FUND

Salaries, three thousand two hundred ninety dollars .... $ 3,290.00

Operation, ten thousand five hundred dollars $10,500.00

DEPARTMENT OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

Operation, one thousand five hundred dollars ..... $ 1,500.00

For land survey — Great Falls, Montana, three thousand dollars ..... $ 3,000.00

MONTANA STATE HOSPITAL

FROM THE GENERAL FUND

Salaries (chaplains), one thousand one hundred dollars $ 1,100.00

Operation, one thousand one hundred dollars ..... $ 1,100.00

Salaries and expenses (Fund 631-1) fifteen thousand dollars $15,000.00

MONTANA STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

Per diem and expense board members, six hundred dollars ..... $ 600.00

Salaries, thirteen thousand five hundred dollars $13,500.00

HeinOnline -- 1955 799 1955

Public employees' retirement system, four hundred thirty-seven dollars and sixty-nine cents ..... $ 437.69

Teachers' retirement system, five hundred ninety-one dollars and seventy-eight cents ..... $ 591.78

Operation, two thousand one hundred fifteen dollars and forty-seven cents ..... $ 2,115.47

Tongue River Water Users' Association dues, nine hundred twenty-four dollars ..... $ 924.00

BOARD OF EDUCATION

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Public employees' retirement system and teachers' retirement system, six hundred fifty dollars ..... $ 650.00

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, five thousand dollars ..... $ 5,000.00

FROM THE GENERAL FUND

Public employees' retirement system and teachers' retirement system, four hundred ninety-five dollars ..... $ 495.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

Salaries, six thousand five hundred eighty-seven dollars and sixty-one cents $6,587.61

Operation, two thousand seven hundred twenty-two dollars and fifty-nine cents ..... $ 2,722.59

Capital, repairs and replacements, six hundred thirty-three dollars and forty-five cents ..... $ 633.45

Public employees' retirement system, one hundred twenty-four dollars and seventy-three cents ..... $ 124.73

STATE PARK DIVISION

There is hereby appropriated fees and admissions collected by the state park service not to exceed five thousand dollars ($5,000.00) for the fiscal year ending June 30, 1955.

HeinOnline -- 1955 800 1955

In addition to the above appropriation, there is hereby granted authority for highway patrol to transfer funds from one account to another.

HIGHWAY PATROL

Transfer from funds 673-7 and 680-2 to 673-12, thirty thousand dollars $30,000.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

HOUSE BILL NO. 426

An Act to Reappropriate Such Balances of Money as May Remain on June 30, 1955, in Certain Specific Appropriations Made from the General Fund Under Certain Specific Provisions of House Bill No. 369 of the Thirty-third Legislative Assembly of Various Departments, More Particularly Itemized as Follows: Montana State Industrial School, State Soldiers' Home, State Training School, State Tuberculosis Sanitarium, and Home for Senile Men and Women.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby reappropriated, and this does hereby apppropriate, any balances remaining in certain specific funds at the end of the current fiscal year ending June 30, 1955.

STATE INDUSTRIAL SCHOOL

There is hereby reappropriated, and this does hereby appropriate all unencumbered balances remaining in Fund 638-39 at the end of the fiscal year, June 30, 1955.

STATE SOLDIERS' HOME

There is hereby reappropriated, and this does hereby appropriate all unencumbered balances remaining in Fund 706-4 at the end of the fiscal year, June 30, 1955.

HeinOnline -- 1955 801 1955

STATE TRAINING SCHOOL

There is hereby reappropriated, and this does hereby appropriate all unencumbered balances remaining in Fund 735-8 at the end of the fiscal year, June 30, 1955.

STATE TUBERCULOSIS SANITARIUM

There is hereby reappropriated, and this does hereby appropriate all unencumbered balances remaining in Fund 104-35 at the end of the fiscal year, June 30, 1955.

HOME FOR SENILE MEN AND WOMEN

There is hereby reappropriated, and this does hereby appropriate all unencumbered balances remaining in Fund 764-6 at the end of the fiscal year, June 30, 1955.

Section 2. The appropriated balance hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act, and shall be used exclusively for the specific purposes in this act provided for and no other.

Approved March 15, 1955.

HOUSE BILL NO. 427

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising from Contractual Obligations Incurred by the State Board of Health.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the general fund, not otherwise appropriated for the purpose of paying the following deficiency claims arising for obligations incurred by the State Board of Health with Dr. G. D. Carlyle Thompson.

FROM THE GENERAL FUND

For obligations incurred by the state board of health $6,650.00
More particularly itemized as follows:

Salary deficiency, 1952:
Eleven (11) months at $100.00 .....$1,100.00

HeinOnline -- 1955 802 1955

Salary deficiency, 1953:
One (1) month at $100.00 ..... $ 100.00

Eleven (11) months at $150.00 ..... $1,650.00

Salary deficiency, 1954:
One (1) month at $150.00 ..... $ 150.00

Eleven (11) months at $200.00 ..... $2,200.00

Salary deficiency, 1955:
One (1) month at $200.00 ..... $ 200.00

Five (5) months at $250.00 ..... $1,250.00

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1955.

HOUSE BILL NO. 428

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Institutions, for the Period Beginning July 1, 1955, and Ending June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but,

HeinOnline -- 1955 803 1955

in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The term "teachers' retirement system" means the state contribution to the teachers' retirement system and said money is to be used for that purpose and no other.

(10) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(11) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

HeinOnline -- 1955 804 1955

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1955, and ending June 30, 1956.

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand two hundred dollars	$	7,200.00
Salaries and expenses, one hundred fifty-three thousand four hundred dollars	$	153,400.00
Public employees' retirement system, one thousand eight hundred dollars	$	1,800.00
Teachers' retirement system, two thousand six hundred dollars	$	2,600.00
New vocational building and remodeling present vocational department for girls' dormitory, ninety thousand dollars	$	90,000.00
Land purchase, three thousand dollars	$	3,000.00
Trust fund advance, one thousand dollars	$	1,000.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

Salary of the superintendent, five thousand five hundred dollars	$	5,500.00
Salaries, one hundred eighteen thousand five hundred dollars	$	118,500.00
Operation, ninety-seven thousand fifty dollars	$	97,050.00
Capital, fourteen thousand four hundred seventy-five dollars	$	14,475.00

HeinOnline -- 1955 805 1955

Repairs and replacements, forty-three thousand six hundred twenty-five dollars ..... $ 43,625.00

Teachers' retirement system, nine hundred fifty dollars ..... $ 950.00

Public employees' retirement system, three thousand seven hundred dollars ..... $ 3,700.00

Land levelings and drainage, two thousand four hundred thirty-five dollars ..... $ 2,435.00

Pasteurizer, butter churn and cream separator, seven thousand dollars ..... $ 7,000.00

Dishwasher, one thousand eight hundred dollars ..... $ 1,800.00

School bus (secondhand), two thousand five hundred dollars ..... $ 2,500.00

Tractor and plow, three thousand dollars ..... $ 3,000.00

Trust fund advance, two thousand five hundred dollars ..... $ 2,500.00

In addition to the above appropriations, all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

Salary of the superintendent, five thousand dollars $ 5,000.00

Salaries and expenses, one hundred nine thousand eight hundred seventy- eight dollars ..... $ 109,878.00

Public employees' retirement system, one thousand five hundred dollars ..... $ 1,500.00

Teachers' retirement system, six hundred twenty-two dollars ..... $ 622.00

Capital items:

Communications' system, two thousand five hundred dollars ..... $ 2,500.00

Seventy-five beds, four thousand dollars ..... $ 4,000.00

Station wagon, two thousand five hundred fifty dollars ..... $ 2,550.00

HeinOnline -- 1955 806 1955

Garage and repairs to Adair building, fifteen thousand dollars ..... $ 15,000.00

Trust fund advance, one thousand dollars ..... $ 1,000.00

In addition to the above appropriations, all trust funds which may be received by the institution are hereby appropriated.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

Salary of the commandant, four thousand six hundred dollars ..... $ 4,600.00

Salaries and expenses, sixty-seven thousand one hundred dollars ..... $ 67,100.00

Public employees' retirement system, one thousand three hundred dollars ..... $ 1,300.00

Remodel old main building, rewire administration building and remodel dining room, eighty thousand dollars ..... $ 80,000.00

Trust fund advance, one thousand dollars ..... $ 1,000.00

In addition to the above appropriations, all monies received from federal assistance and income from land grants are hereby appropriated.

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, eight thousand four hundred dollars ..... $ 8,400.00

Salaries and expenses, five hundred eighty thousand one hundred fifty-seven dollars ..... $ 580,157.00

Public employees' retirement system, nine thousand nine hundred eighty-five dollars ..... $ 9,985.00

Teachers' retirement system, one thousand four hundred fifty-eight dollars ..... $ 1,458.00

Trust fund advance, two thousand five hundred dollars ..... $ 2,500.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

HeinOnline -- 1955 807 1955

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

Salary of the superintendent, twelve thousand dollars	$	12,000.00
Salaries and expenses, nine hundred fourteen thousand seven hundred forty dollars	$	914,740.00
Public employees' retirement system, twenty-five thousand dollars	$	25,000.00
Trust fund advance, ten thousand dollars	$	10,000.00
Renovation of men's hospital, eighty-two thousand dollars	$	82,000.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE PRISON

FROM THE GENERAL FUND

Salary of the warden, six thousand dollars	$	6,000.00
Salaries and expense, five hundred twenty-one thousand one hundred eleven dollars	$	521,111.00
Public employees' retirement system, five thousand one hundred fifty-four dollars	$	5,154.00
For expense for care of bloodhounds, one thousand dollars	$	1,000.00
Trust fund advance, five thousand dollars	$	5,000.00
For a two hundred man bunkhouse, one hundred five thousand dollars	$	105,000.00
For a shop building, five thousand dollars	$	5,000.00
For a water plant, well and pump, forty thousand dollars	$	40,000.00
For a slaughter house (abattoir), twenty-six thousand dollars	$	26,000.00

In addition to the above, all trust funds which may be received are hereby appropriated.

HeinOnline -- 1955 808 1955

STATE GARMENT FACTORY

FROM THE GENERAL FUND

Salaries and expenses, eight thousand nine hundred sixty dollars ..... $ 8,960.00

For materials as may be necessary for repair and renovation of upholstery and furniture for various departments of state government, five thousand dollars $ 5,000.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

HOME FOR SENILE MEN AND WOMEN

FROM THE GENERAL FUND

Salary of superintendent, five thousand dollars ..... $ 5,000.00

Salaries, sixty-three thousand eight hundred sixty dollars ..... $ 63,860.00

Operation, forty-four thousand six hundred forty-two dollars ..... $ 44,642.00

Capital, four thousand seven hundred fifty-two dollars and fifty cents ..... $ 4,752.50

Repairs and replacements, eight hundred fifty dollars ..... $ 850.00

Public employees' retirement system, two thousand three hundred dollars ..... $ 2,300.00

Trust fund advance, one thousand dollars ..... $ 1,000.00

In addition to the above appropriations, there is hereby appropriated all monies which have been received or will be received for the purposes for which said funds were given.

STATE HOSPITAL

FROM THE GENERAL FUND

Salary of the superintendent, eleven thousand dollars ..... $ 11,000.00

HeinOnline -- 1955 809 1955

Salaries and expenses, two million three thousand one hundred sixty-one dollars ..... $ 2,003,161.00

Public employees' retirement system, forty thousand seven hundred thirty dollars ..... $ 40,730.00

Trust fund advance, fifteen thousand dollars ..... $ 15,000.00

MENTAL HYGIENE DIVISION

FROM THE GENERAL FUND

Salaries and expenses, sixty-eight thousand eight hundred sixty-seven dollars ..... $ 68,867.00

Public employees' retirement system, three thousand one hundred thirty-three dollars ..... $ 3,133.00

In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated subject to all statutory provisions.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand dollars $ 7,000.00

Salaries, one hundred fifty-four thousand nine hundred ninety-five dollars ..... $ 154,995.00

Operation, eighty-three thousand ninety-four dollars $ 83,094.00

Capital, twenty-two thousand two hundred dollars $ 22,200.00

Repairs and replacements, three thousand four hundred seventy-five dollars ..... $ 3,475.00

Public employees' retirement system, four thousand six hundred thirty-five dollars ..... $ 4,635.00

Teachers' retirement system, one thousand four hundred eighty-one dollars ..... $ 1,481.00

Special items:

Trust fund advance (petty cash), two thousand five hundred dollars ..... $ 2,500.00

One-half salary chaplain, full time, one thousand eight hundred dollars ..... $ 1,800.00

HeinOnline -- 1955 810 1955

Montana state water conservation board, nine hundred twenty-four dollars	$	924.00
Remodeling and addition cottage "A," thirty thousand dollars	$	30,000.00
Remodeling residence, North Place, three thousand dollars	$	3,000.00
Covering barn with metal sheeting, one thousand five hundred dollars	$	1,500.00
Relaying broken and worn sidewalks, one thousand five hundred dollars	$	1,500.00
High pressure steam boiler, four thousand dollars	$	4,000.00
Completion of garage at the superintendent's residence, one thousand five hundred dollars	$	1,500.00
Materials for structural repairs, all buildings, twelve thousand dollars	$	12,000.00
New six inch water line to south building, three thousand dollars	$	3,000.00
New twelve inch well and pump, five thousand dollars	$	5,000.00
Irrigation pipe, sprinkler system, three thousand five hundred dollars	$	3,500.00
Barnyard improvements, eight thousand dollars	$	8,000.00
New electric distribution system, eight thousand dollars	$	8,000.00
Blacktopping main institution road, two thousand two hundred dollars	$	2,200.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1956, and ending June 30, 1957.

HeinOnline -- 1955 811 1955

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand two hundred dollars ..... $ 7,200.00

Salaries and expenses, one hundred fifty-three thousand four hundred dollars ..... $ 153,400.00

Public employees' retirement system, one thousand eight hundred dollars ..... $ 1,800.00

Teachers' retirement system, two thousand six hundred dollars ..... $ 2,600.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

Salary of the superintendent, five thousand five hundred dollars ..... $ 5,500.00

Salaries, one hundred eighteen thousand five hundred dollars ..... $ 118,500.00

Operation, ninety-seven thousand fifty dollars ..... $ 97,050.00

Capital, two thousand six hundred seventy-five dollars ..... $ 2,675.00

Repairs and replacements, thirteen thousand four hundred dollars ..... $ 13,400.00

Teachers' retirement system, nine hundred fifty dollars ..... $ 950.00

Public employees' retirement system, three thousand seven hundred dollars ..... $ 3,700.00

For land leveling, one thousand seven hundred fifty-five dollars ..... $ 1,755.00

In addition to the above appropriations, all trust funds are hereby appropriated for the purposes for which said funds are received.

HeinOnline -- 1955 812 1955

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

Salary of the superintendent, five thousand dollars $ 5,000.00

Salaries and expenses, one hundred nine thousand eight hundred seventy-eight dollars ..... $ 109,878.00

Public employees' retirement system, one thousand five hundred dollars ..... $ 1,500.00

Teachers' retirement system, six hundred twenty-two dollars ..... $ 622.00

In addition to the above appropriations, all trust funds which may be received by the institution are hereby appropriated.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

Salary of the commandant, four thousand six hundred dollars ..... $ 4,600.00

Salaries and expenses, sixty-seven thousand one hundred dollars ..... $ 67,100.00

Public employees' retirement system, one thousand three hundred dollars ..... $ 1,300.00

In addition to the above appropriations, all monies received from federal assistance and income from land grants and trust funds are hereby appropriated.

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, eight thousand four hundred dollars ..... $ 8,400.00

Salaries and expenses, six hundred fifty-nine thousand forty-two dollars ..... $ 659,042.00

Public employees' retirement system, eleven thousand one hundred dollars ..... $ 11,100.00

Teachers' retirement system, one thousand four hundred fifty-eight dollars ..... $ 1,458.00

For expense for care of bloodhounds, one thousand dollars ..... $ 1,000.00

HeinOnline -- 1955 813 1955

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

Salary of the superintendent, twelve thousand dollars ..... $ 12,000.00

Salaries and expenses, one million one hundred one thousand eight hundred fifty dollars ..... $ 1,101,850.00

Public employees' retirement system, twenty-eight thousand two hundred fifty dollars ..... $ 28,250.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE PRISON

FROM THE GENERAL FUND

Salary of the warden, six thousand dollars ..... $ 6,000.00

Salaries and expense, four hundred ninety-four thousand five hundred twenty-one dollars ..... $ 494,521.00

Public employees' retirement system, five thousand one hundred fifty-four dollars ..... $ 5,154.00

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

FROM THE GENERAL FUND

Salaries and expenses, eight thousand nine hundred sixty dollars ..... $ 8,960.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

HOME FOR SENILE MEN AND WOMEN

FROM THE GENERAL FUND

Salary of the superintendent, five thousand dollars $ 5,000.00

HeinOnline -- 1955 814 1955

Salaries, sixty-three thousand eight hundred sixty dollars ..... $ 63,860.00

Operation, forty-four thousand six hundred forty-two dollars ..... $ 44,642.00

Capital, four thousand seven hundred fifty-two dollars and fifty cents ..... $ 4,752.50

Repairs and replacements, eight hundred fifty dollars ..... $ 850.00

Public employees' retirement system, two thousand three hundred dollars ..... $ 2,300.00

In addition to the above appropriations, there is hereby appropriated all monies which have been received or will be received for the purposes for which said funds were given.

STATE HOSPITAL

FROM THE GENERAL FUND

Salary of the superintendent, eleven thousand dollars ..... $ 11,000.00

Salaries and expenses, two million three thousand one hundred sixty-one dollars ..... $ 2,003,161.00

Public employees' retirement service, forty thousand seven hundred thirty dollars ..... $ 40,730.00

MENTAL HYGIENE DIVISION

FROM THE GENERAL FUND

Salaries and expenses, sixty-eight thousand eight hundred sixty-seven dollars ..... $ 68,867.00

Public employees' retirement system, three thousand one hundred thirty-three dollars ..... $ 3,133.00

In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated subject to all statutory provisions.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand dollars $ 7,000.00

HeinOnline -- 1955 815 1955

All other salaries, one hundred fifty-four thousand three hundred ninety-five dollars ..... $ 154,395.00

Operation, eighty-four thousand one hundred forty-three dollars ..... $ 84,143.00

Capital, four thousand one hundred fifty dollars ..... $ 4,150.00

Repairs and replacements, three thousand nine hundred twenty-five dollars ..... $ 3,925.00

Public employees' retirement system, four thousand six hundred fourteen dollars ..... $ 4,614.00

Teachers' retirement system, one thousand four hundred eighty-one dollars ..... $ 1,481.00

One-half salary chaplain, full time, one thousand eight hundred dollars ..... $ 1,800.00

Montana state water conservation board, nine hundred twenty-four dollars ..... $ 924.00

In addition to the above appropriations, all income from land grants and trust funds, which may be received is hereby appropriated subject to all statutory provisions and obligations of any outstanding bond issue.

Section 4. Provided, further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in section 1 of this act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on its minutes the reasons for its permission.

Section 6. It is further provided that wherein institutions have appropriations from funds other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriations from the general fund.

Approved March 15, 1955.

HeinOnline -- 1955 816 1955

HOUSE BILL NO. 429

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions, for the Period Beginning July 1, 1955 and Ending June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau or commission to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

HeinOnline -- 1955 817 1955

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1955, and ending June 30, 1956.

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, fifty-eight thousand dollars $ 58,000.00

In addition thereto, there is hereby appropriated all monies received from the federal government for vocational rehabilitation.

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries, five thousand dollars .....$ 5,000.00

For operation, eight hundred dollars .....$ 800.00

For public employees' retirement system, one hundred seventy-five dollars .....$ 175.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as pro-

HeinOnline -- 1955 818 1955

vided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said monies may be expended and drawn from the said state highway trust fund in the manner as other monies in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

HIGHWAY PATROL, DRIVERS' EXAMINATION SECTION, AND MOTOR VEHICLE SAFETY-RESPONSIBILITY

FROM THE GENERAL FUND

For salary of supervisor, six thousand three hundred dollars ..... $ 6,300.00

For salaries and expenses, seven hundred eighty-nine thousand, eight hundred ten dollars $789,810.00

For rent on department and division headquarters, two thousand one hundred dollars ..... $ 2,100.00

For handling charge payable to highway department, five thousand dollars ..... $ 5,000.00

For board of prisoners, alcohol analysis and miscellaneous expenses, twenty-three thousand five hundred dollars ..... $ 23,500.00

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For administrative salaries and expenses, fifty-two thousand five hundred dollars ..... $ 52,500.00

For betterments and repairs to existing projects and

HeinOnline -- 1955 819 1955

extension to existing projects and construction of new projects, three hundred seventy-five thousand dollars $375,000.00

For salary and expenses, Washington, D. C., representative, two thousand five hundred dollars .....$ 2,500.00

For public employees' retirement system, seven thousand five hundred dollars .....$ 7,500.00

For salaries and expenses for the revolving fund, eighty thousand dollars .....$ 80,000.00

For state planning board for industrial development, twenty-five thousand dollars .....$ 25,000.00

In addition to the above appropriation, all monies paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, one hundred eighty thousand dollars $180,000.00

For travel, eighteen thousand dollars .....$ 18,000.00

For public employees' retirement system, and industrial accident insurance, five thousand one hundred dollars .....$ 5,100.00

COUNTY ATTORNEYS

FROM THE GENERAL FUND

For salaries, eighty-four thousand dollars .....$ 84,000.00

For public employees' retirement system, one thousand dollars .....$ 1,000.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, twenty thousand dollars .....$ 20,000.00

FIRE INSURANCE ON STATE PROPERTY

FROM THE GENERAL FUND

As much as may be necessary for premiums on insur-

HeinOnline -- 1955 820 1955

ance on institutions or departments applicable thereto, ten thousand dollars ..... $ 10,000.00

FROM THE MILLAGE FUND

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, ten thousand dollars ..... $ 10,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, two thousand dollars ..... $ 2,000.00

FROM THE MOTOR VEHICLE FUND

For premiums on insurance for the motor vehicle department, two hundred dollars ..... $ 200.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses, seven thousand three hundred forty-one dollars ..... $ 7,341.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, seven thousand three hundred forty-one dollars ..... $ 7,341.00

FROM THE MILLAGE FUND

For salaries and expenses, seven thousand three hundred forty-one dollars ..... $ 7,341.00

WESTERN REGIONAL EDUCATION COMPACT

FROM THE GENERAL FUND

For expenses, seven thousand dollars ..... $ 7,000.00

For student exchange fees, twenty-one thousand four hundred dollars ..... $ 21,400.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses, forty-two thousand three hundred seventy-five dollars ..... $ 42,375.00

HeinOnline -- 1955 821 1955

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries and expenses, nineteen thousand one hundred twenty-five dollars ..... $ 19,125.00

For reimbursement to local schools, twenty thousand dollars ..... $ 20,000.00

In addition to the foregoing amounts, all income from federal funds known as Vocation United States Aid Fund, George Borden Fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriations.

VISUAL EDUCATION

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, fifteen thousand seven hundred dollars .. $ 15,700.00

For capital, repairs and replacements, five hundred dollars ..... $ 500.00

For operation, six thousand dollars ..... $ 6,000.00

For public employees' retirement system, and teachers' retirement system, five hundred fifty-two dollars ..... $ 552.00

EXCEPTIONAL CHILD

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars ..... $ 8,000.00

BOARD OF HEALTH

FROM THE GENERAL FUND

For salary of executive officer, twelve thousand dollars ..... $ 12,000.00

For salaries and expenses, two hundred ninety thousand dollars $290,000.00

For hospital facilities division for administrating Hill Burton Fund, ten thousand dollars ..... $ 10,000.00

For cerebral palsy, thirty thousand dollars ..... $ 30,000.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as pro-

HeinOnline -- 1955 822 1955

vided in the grants for the various departments and hereby reappropriate any unexpended state funds.

BOARD OF EXAMINERS

FROM THE GENERAL FUND

For salaries, twenty-eight thousand dollars ..... $ 28,000.00

For capital, repairs and replacements, nine hundred dollars ..... $ 900.00

For operation, two thousand five hundred dollars ..... $ 2,500.00

For public employees' retirement system, eight hundred dollars ..... $ 800.00

For salaries and expenses of special investigators, eighteen thousand dollars ..... $ 18,000.00

CONSOLIDATED BOARDS

FROM THE GENERAL FUND

For salaries, six thousand dollars ..... $ 6,000.00

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

For operation, eight hundred dollars ..... $ 800.00

For public employees' retirement system, one hundred thirty dollars ..... $ 130.00

For engineering division, salary and expenses, sixteen thousand dollars ..... $ 16,000.00

CAPITOL CUSTODIAN

FROM THE GENERAL FUND

For salaries, one hundred forty-six thousand five hundred thirty dollars $146,530.00

For operations, forty-eight thousand five hundred forty dollars ..... $ 48,540.00

For capital, repairs and replacements, six thousand two hundred seventy-five dollars ..... $ 6,275.00

For public employees' retirement system, four thousand nine hundred eighty-two dollars ..... $ 4,982.00

HeinOnline -- 1955 823 1955

All moneys accumulating or now accumulated in the Sam W. Mitchell Building Fund No. 200 shall be transferred to the general fund of the State of Montana.

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1956, and ending June 30, 1957.

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, fifty-eight thousand dollars $ 58,000.00

In addition thereto, there is hereby appropriated all monies received from the federal government for vocational rehabilitation.

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries, five thousand dollars .....$ 5,000.00

For operation, eight hundred dollars .....$ 800.00

For public employees' retirement system, one hundred seventy-five dollars .....$ 175.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said monies may be expended and drawn from the said

HeinOnline -- 1955 824 1955

state highway trust fund in the manner as other monies in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

HIGHWAY PATROL, DRIVERS' EXAMINATION SECTION, AND MOTOR VEHICLE SAFETY-RESPONSIBILITY

FROM THE GENERAL FUND

For salary of supervisor, six thousand three hundred dollars ..... $ 6,300.00

For salaries and expenses, seven hundred eighty-nine thousand, eight hundred ten dollars $789,810.00

For rent on department and division headquarters, two thousand one hundred dollars ..... $ 2,100.00

For handling charge payable to highway department, five thousand dollars ..... $ 5,000.00

For board of prisoners, alcohol analysis and miscellaneous expenses, twenty-three thousand five hundred dollars ..... $ 23,500.00

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For administrative salaries and expenses, fifty-two thousand five hundred dollars ..... $ 52,500.00

For betterments and repairs to existing projects and extensions to existing projects and construction of new projects, three hundred seventy-five thousand dollars $375,000.00

For salary and expenses, Washington, D. C., representative, two thousand five hundred dollars ..... $ 2,500.00

For public employees' retirement system, seven thousand five hundred dollars ..... $ 7,500.00

For salaries and expenses for the revolving fund, eighty thousand dollars ..... $ 80,000.00

For state planning board for industrial development, twenty-five thousand dollars ..... $ 25,000.00

In addition to the above appropriation, all monies paid or to be repaid the water conservation board from any source by reason of

HeinOnline -- 1955 825 1955

any previous expenditures made by said board from state funds, are hereby appropriated.

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, one hundred eighty thousand dollars $180,000.00

For travel, eighteen thousand dollars .....$ 18,000.00

For public employees' retirement system, and industrial accident insurance, five thousand one hundred dollars .....$ 5,100.00

COUNTY ATTORNEYS

FROM THE GENERAL FUND

For salaries, eighty-four thousand dollars .....$ 84,000.00

For public employees' retirement system, one thousand dollars .....$ 1,000.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, twenty thousand dollars .....$ 20,000.00

FIRE INSURANCE ON STATE PROPERTY

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, ten thousand dollars .....$ 10,000.00

FROM THE MILLAGE FUND

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, ten thousand dollars .....$ 10,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, two thousand dollars .....$ 2,000.00

HeinOnline -- 1955 826 1955

FROM THE MOTOR VEHICLE FUND

For premiums on insurance for the motor vehicle department, two hundred dollars ..... $ 200.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses, seven thousand three hundred forty-one dollars ..... $ 7,341.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, seven thousand three hundred forty-one dollars ..... $ 7,341.00

FROM THE MILLAGE FUND

For salaries and expenses, seven thousand three hundred forty-one dollars ..... $ 7,341.00

WESTERN REGIONAL EDUCATION COMPACT

FROM THE GENERAL FUND

For expenses, seven thousand dollars ..... $ 7,000.00

For student exchange fees, twenty-five thousand four hundred dollars ..... $ 25,400.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses, forty-two thousand three hundred seventy-five dollars ..... $ 42,375.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries and expenses, nineteen thousand one hundred twenty-five dollars ..... $ 19,125.00

For reimbursement to local schools, twenty thousand dollars ..... $ 20,000.00

In addition to the foregoing amounts, all income from federal funds known as Vocation United States Aid Fund, George Borden Fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units

HeinOnline -- 1955 827 1955

of the university of Montana from the above general fund appropriations.

VISUAL EDUCATION

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, fifteen thousand seven hundred dollars ..$ 15,700.00

For capital, repairs and replacements, five hundred dollars .....$ 500.00

For operation, six thousand dollars .....$ 6,000.00

For public employees' retirement system, and teachers' retirement system, five hundred fifty-two dollars .....$ 552.00

EXCEPTIONAL CHILD

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars .....$ 8,000.00

BOARD OF HEALTH

FROM THE GENERAL FUND

For salary of executive officer, twelve thousand dollars .....$ 12,000.00

For salaries and expenses, two hundred ninety thousand dollars $290,000.00

For hospital facilities division for administrating Hill Burton Fund, ten thousand dollars .....$ 10,000.00

For cerebral palsy, thirty thousand dollars .....$ 30,000.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as provided in the grants for the various departments.

BOARD OF EXAMINERS

FROM THE GENERAL FUND

For salaries, twenty-eight thousand dollars .....$ 28,000.00

For capital, repairs and replacements, nine hundred dollars .....$ 900.00

For operation, two thousand five hundred dollars .....$ 2,500.00

HeinOnline -- 1955 828 1955

For public employees' retirement system, eight hundred dollars ..... $ 800.00

For salaries and expenses of special investigators, eighteen thousand dollars ..... $ 18,000.00

CONSOLIDATED BOARDS

FROM THE GENERAL FUND

For salaries, six thousand dollars ..... $ 6,000.00

For capital, repairs and replacements, six hundred dollars ..... $ 600.00

For operation, eight hundred dollars ..... $ 800.00

For public employees' retirement system, one hundred thirty dollars ..... $ 130.00

For engineering division, salary and expenses, sixteen thousand dollars ..... $ 16,000.00

CAPITOL CUSTODIAN

FROM THE GENERAL FUND

For salaries, one hundred forty-eight thousand nine hundred thirty dollars $148,930.00

For operations, fifty thousand dollars ..... $ 50,000.00

For capital, repairs and replacements, six thousand two hundred seventy-five dollars ..... $ 6,275.00

For public employees' retirement system, five thousand dollars ..... $ 5,000.00

All moneys accumulating or now accumulated in the Sam W. Mitchell Building Fund No. 200 shall be transferred to the general fund of the State of Montana.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific laws governs, the money from such other sources shall be used when available before using the appropriations from the gen-

HeinOnline -- 1955 829 1955

eral fund or university millage fund; provided, however, that such restrictions shall not apply to monies from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Section 6. The appropriations herein provided for shall be held valid notwithstanding the provisions of the budget act.

Approved March 15, 1955.

HOUSE BILL NO. 430

An Act to Appropriate Money for the Operation and Maintenance and for Other Purposes Designated Herein for the Several Units of the University of Montana, Known as Montana State University, Montana State College, Experiment Station and Substations, Extension Service, Montana School of Mines, Western Montana College of Education at Dillon, Eastern Montana College of Education at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1955 and Ending June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital" unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2)

HeinOnline -- 1955 830 1955

above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1955, and ending June 30, 1956.

MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one million thirty-seven thousand five hundred forty-six dollars ..... $ 1,037,546.00

For salaries and expenses, forest conservation experiment station, thirty-nine thousand sixty-seven dollars ..... $ 39,067.00

For teachers' retirement system, as much as may be necessary, not exceeding thirty-nine thousand dollars .. $ 39,000.00

HeinOnline -- 1955 831 1955

For public employees' retirement system, as much as may be necessary, not exceeding thirteen thousand five hundred dollars ..... $ 13,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, two hundred five thousand dollars ..... $ 205,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for the fiscal year, but the total of such fees and collections so deposited, in the excess of such two hundred five thousand dollars ($205,000.00) is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, nine hundred seventy-nine thousand two hundred and twenty-nine dollars ..... $ 979,229.00

In addition to the above appropriations, there is hereby appropriated from the general fund for the completion of liberal arts building, women's center and library and for purchase or condemnation of lands, ninety-five thousand dollars ..... $ 95,000.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal or trust funds received or to be received are hereby appropriated for the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university, all income from land grants, endowments, trust funds and federal grants which may be received and in addition, all balances on hand to be used for the purposes for which funds were accumulated or given.

MONTANA STATE COLLEGE AT BOZEMAN

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eight hundred sixty-one thousand, three hundred ninety-two dollars ..... $ 861,392.00

HeinOnline -- 1955 832 1955

For salaries and expenses of the engineering experiment station, fifteen thousand dollars ..... $ 15,000.00

For teachers' retirement system, as much as may be necessary, not exceeding thirty-eight thousand five hundred dollars ..... $ 38,500.00

For public employees' retirement system, as much as may be necessary, not exceeding twenty thousand dollars ..... $ 20,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred seventy-five thousand dollars ..... $ 175,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of one hundred seventy-five thousand dollars ($175,000.00) is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, nine hundred nineteen thousand four hundred sixty-four dollars ..... $ 919,464.00

In addition to the above appropriations there is hereby appropriated from the general fund for replacement of high voltage line, partial completion of engineering laboratory annex, paving parking lots and widening and paving Eighth avenue, ninety-four thousand dollars $ 94,000.00

In addition to the foregoing appropriations, there is hereby appropriated for the use of the Montana State College, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred five thousand eight hundred fifty-five dollars ..... $ 205,855.00

HeinOnline -- 1955 833 1955

For teachers' retirement system, as much as may be necessary, not exceeding nine thousand five hundred dollars ..... $ 9,500.00

For public employees' retirement system, as much as may be necessary, not exceeding four thousand seven hundred fifty dollars ..... $ 4,750.00

All monies collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

FROM THE GENERAL FUND

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred sixty-two thousand thirteen dollars ..... $ 262,013.00

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for a soils research laboratory, buildings on the sheep research and dairy ranches; iron grating, isolation pen and loading chute, equipment for temperature room and concrete slab to incinerator in the veterinary research laboratory, twenty-five thousand four hundred dollars .... $ 25,400.00

EXPERIMENTAL SUBSTATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following substations and branches:

Central Montana branch station, twenty-six thousand eight hundred forty-six dollars ..... $ 26,846.00

Horticulture branch station, eighteen thousand three hundred eighty-five dollars ..... $ 18,385.00

Huntley branch station, forty-six thousand twenty dollars ..... $ 46,020.00

HeinOnline -- 1955 834 1955

North Montana branch station, fifty-one thousand one hundred twenty-six dollars ..... $ 51,126.00

For teachers' retirement system, as much as may be necessary, not exceeding three thousand dollars ..... $ 3,000.00

For public employees' retirement system, as much as may be necessary, not exceeding six thousand five hundred dollars ..... $ 6,500.00

FROM THE GENERAL FUND

Northwestern Montana branch station, twenty thousand five hundred twenty-five dollars ..... $ 20,525.00

U. S. range livestock experiment station, thirty-three thousand eighty dollars ..... $ 33,080.00

Eastern Montana branch station, twenty-eight thousand nine hundred eighty dollars ..... $ 28,980.00

Montana grain inspection laboratory, nineteen thousand nine hundred eighty-nine dollars ..... $ 19,989.00

Montana wool laboratory, nineteen thousand four hundred fifty-five dollars ..... $ 19,455.00

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the substations or branch stations.

AGRICULTURAL EXTENSION SERVICE
OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-four thousand nine hundred ten dollars ..... $ 154,910.00

For teachers' retirement system, as much as may be necessary, not exceeding six hundred dollars ..... $ 600.00

For public employees' retirement system, as much as may be necessary, but not exceeding two thousand five hundred dollars ..... $ 2,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00

HeinOnline -- 1955 835 1955

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such ten thousand dollars ($10,000.00) is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one hundred fifty-nine thousand seven hundred seventy-seven dollars ..... $ 159,777.00

In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred forty-eight thousand one hundred seventy-nine dollars ..... $ 148,179.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand five hundred dollars ..... $ 7,500.00

For public employees' retirement system, as much as may be necessary, not exceeding four thousand five hundred dollars ..... $ 4,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-four thousand dollars ..... $ 24,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited in excess of such twenty-four thousand dollars ($24,000.00) is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the

HeinOnline -- 1955 836 1955

university millage fund, one hundred fifty-four thousand eight hundred twenty-one dollars .....$ 154,821.00

In addition to the above appropriations, there is hereby appropriated from the general fund for the purchase and installation of chemistry laboratory ventilator fan and campus and residence hall intercommunication system, nine thousand seven hundred dollars .....$ 9,700.00

In addition to the above appropriations, there is hereby appropriated for the school of mines all income from land grants, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

BUREAU OF MINES AND GEOLOGY
OF THE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, forty-seven thousand two hundred nine dollars .....$ 47,209.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses to supplement appropriations from the university millage fund, forty-six thousand three hundred eighty-four dollars .....$ 46,384.00

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for the purchase of an automobile, one thousand six hundred dollars .....$ 1,600.00

WESTERN MONTANA COLLEGE
OF EDUCATION AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred eleven thousand eight dollars .....$ 111,008.00

For teachers' retirement system, as much as may be necessary, not exceeding five thousand dollars .....$ 5,000.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand five hundred dollars .....$ 2,500.00

HeinOnline -- 1955 837 1955

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twelve thousand dollars ..... $ 12,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such twelve thousand dollars ($12,000.00) is hereby also appropriated for such purpose.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one hundred thirteen thousand nine hundred dollars ..... $ 113,900.00

In addition to the above appropriations there is hereby appropriated from the general fund for additional library stacks, piano, scientific equipment, trade-in of station wagon, irrigation pipes, land purchase and preparation of site, twenty-seven thousand one hundred dollars ..... $ 27,100.00

In addition to the above appropriations there is hereby appropriated one half of all income from land grants, all endowments and trust funds subject to all statutory provisions.

EASTERN MONTANA COLLEGE
OF EDUCATION AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred ninety-four thousand one hundred eighty-eight dollars ..... $ 194,188.00

For teachers' retirement system, as much as may be necessary, not exceeding ten thousand dollars ..... $ 10,000.00

For public employees' retirement system, as much as may be necessary, not exceeding three thousand two hundred dollars ..... $ 3,200.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is

HeinOnline -- 1955 838 1955

hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-nine thousand five hundred dollars ..... $ 29,500.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such twenty-nine thousand five hundred dollars ($29,500.00), is hereby also appropriated for such purposes.

In addition to the foregoing appropriation there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred nine thousand eight hundred seventy-eight dollars ..... $ 209,878.00

In addition to the above appropriations, there is hereby appropriated from the general fund for classroom chairs, accounting tables, typewriters for classes and offices, library books and fixtures, locker and shower extension, repair of gymnasium roof, remodeling third floor of administration building, constructing classrooms in tower of administration building, construction of sidewalks, forty-one thousand four hundred dollars ..... $ 41,400.00

In addition to the above appropriation there is hereby appropriated one half of all income from land grants, all endowments and trust funds subject to all statutory provisions.

NORTHERN MONTANA COLLEGE AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-five thousand six hundred nineteen dollars ..... $ 155,619.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand three hundred dollars ..... $ 7,300.00

For public employees' retirement system, as much as may be necessary, not exceeding one thousand six hundred seventy-five dollars ..... $ 1,675.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is

HeinOnline -- 1955 839 1955

hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-two thousand dollars ..... $ 22,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such twenty-two thousand dollars ($22,000.00), is hereby also appropriated for such purposes.

In addition to the foregoing appropriation, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one hundred sixty-two thousand twenty-seven dollars ..... $ 162,027.00

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for athletic field, addition to automotive building, graveling of roads, replacement of heating unit in industrial arts building and purchase of cosmetology laboratory equipment, thirty-four thousand five hundred dollars $ 34,500.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

STUDENT TRAVEL REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars ..... $ 2,000.00

Section 3. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1956, and ending June 30, 1957.

MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one million twenty-four thousand one hundred fifty-eight dollars ..... $ 1,024,158.00

HeinOnline -- 1955 840 1955

For salaries and expenses, forest conservation experiment station, thirty-nine thousand sixty-seven dollars ..... $ 39,067.00

For teachers' retirement system, as much as may be necessary, not exceeding thirty-nine thousand dollars .. $ 39,000.00

For public employees' retirement system, as much as may be necessary, not exceeding thirteen thousand five hundred dollars ..... $ 13,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, two hundred twenty-four thousand dollars ..... $ 224,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such two hundred twenty-four thousand dollars ($224,000.00), is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, nine hundred seventy-nine thousand one hundred seventeen dollars ..... $ 979,117.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal and trust funds received or to be received are hereby appropriated to the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university, all income from land grants, endowments, trust funds and federal grants which may be received and in addition, all balances on hand to be used for the purposes for which such funds were accumulated or given.

MONTANA STATE COLLEGE AT BOZEMAN

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eight hundred sixty-one thousand two hundred eight dollars ..... $ 861,208.00

HeinOnline -- 1955 841 1955

For salaries and expenses of the engineering experiment station, fifteen thousand dollars ..... $ 15,000.00

For teachers' retirement system, as much as may be necessary, not exceeding thirty-eight thousand five hundred dollars ..... $ 38,500.00

For public employees' retirement system, as much as may be necessary, not exceeding twenty thousand dollars ..... $ 20,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred seventy-nine thousand dollars ..... $ 179,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such one hundred seventy-nine thousand dollars ($179,000.00), is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, nine hundred twenty-five thousand three hundred seventy-eight dollars ..... $ 925,378.00

In addition to the foregoing appropriations, there is hereby appropriated for the use of the Montana State College, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred twenty thousand nine hundred sixty-eight dollars ..... $ 220,968.00

For teachers' retirement system, as much as may be necessary, not to exceed nine thousand five hundred dollars ..... $ 9,500.00

HeinOnline -- 1955 842 1955

For public employees' retirement system, as much as may be necessary, not exceeding four thousand seven hundred fifty dollars ..... $ 4,750.00

All monies collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

FROM THE GENERAL FUND

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred fifty-three thousand eight hundred sixty dollars ..... $ 253,860.00

EXPERIMENTAL SUBSTATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following substations and branches:

Central Montana branch station, twenty-six thousand eight hundred forty-six dollars ..... $ 26,846.00

Horticulture branch station, eighteen thousand three hundred eighty-five dollars ..... $ 18,385.00

North Montana branch station, thirty-nine thousand two hundred thirty-one dollars ..... $ 39,231.00

Huntley branch station, forty-six thousand twenty dollars ..... $ 46,020.00

For teachers' retirement system, as much as may be necessary, not exceeding three thousand dollars ..... $ 3,000.00

For public employees' retirement system, as much as may be necessary, not exceeding six thousand five hundred dollars ..... $ 6,500.00

HeinOnline -- 1955 843 1955

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, for the following substations and branches:

North Montana branch station, eleven thousand eight hundred ninety-five dollars ..... $ 11,895.00

Northwestern Montana branch station, twenty thousand five hundred twenty-five dollars ..... $ 20,525.00

U. S. range livestock experiment station, thirty-three thousand eighty dollars ..... $ 33,080.00

Eastern Montana branch station, twenty-nine thousand three hundred sixty dollars ..... $ 29,360.00

Montana grain inspection laboratory, nineteen thousand nine hundred eighty-nine dollars ..... $ 19,989.00

Montana wool laboratory, twenty-one thousand three hundred fifteen dollars ..... $ 21,315.00

In addition to the above appropriations, all monies collected by the several branches and substations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the substations or branch stations.

AGRICULTURAL EXTENSION SERVICE
OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-four thousand eight hundred seventy-nine dollars ..... $ 154,879.00

For teachers' retirement system, as much as may be necessary, not exceeding six hundred dollars ..... $ 600.00

For public employees' retirement system, as much as may be necessary, but not exceeding two thousand five hundred dollars ..... $ 2,500.00

HeinOnline -- 1955 844 1955

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such ten thousand dollars ($10,000.00) is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one hundred sixty-six thousand one hundred eighteen dollars ..... $ 166,118.00

In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-two thousand twelve dollars ..... $ 152,012.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand five hundred dollars ..... $ 7,500.00

For public employees' retirement system, as much as may be necessary, not exceeding four thousand five hundred dollars ..... $ 4,500.00

FROM THE GENERAL FUND

In additional to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-four thousand dollars ..... $ 24,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the

HeinOnline -- 1955 845 1955

general fund for that fiscal year, but the total of such fees and collections so deposited in excess of such twenty-four thousand dollars ($24,000.00) is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one hundred sixty thousand four hundred eighty-eight dollars ..... $ 160,488.00

In addition to the above appropriations, there is hereby appropriated for the school of mines all income from land grants, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

BUREAU OF MINES AND GEOLOGY
OF THE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, fifty-three thousand two hundred nine dollars ..... $ 53,209.00

FROM THE GENERAL FUND

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses to supplement appropriations from the university millage fund, fifty-two thousand three hundred eighty-four dollars ..... $ 52,384.00

WESTERN MONTANA COLLEGE
OF EDUCATION AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred ten thousand nine hundred eighty-four dollars ..... $ 110,984.00

For teachers' retirement system, as much as may be necessary, not exceeding five thousand dollars ..... $ 5,000.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand five hundred dollars ..... $ 2,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries

HeinOnline -- 1955 846 1955

and expenses, in lieu of fees and collections, twelve thousand dollars ..... $ 12,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such twelve thousand dollars ($12,000.00) is hereby appropriated for such purpose.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one hundred nineteen thousand seven hundred eight dollars ..... $ 119,708.00

In addition to the above appropriations there is hereby appropriated one half of all income from land grants, all endowments and trust funds subject to all statutory provisions.

EASTERN MONTANA COLLEGE
OF EDUCATION AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred ninety thousand eight hundred fifty-six dollars ..... $ 190,856.00

For teachers' retirement system, as much as may be necessary, not exceeding ten thousand dollars ..... $ 10,000.00

For public employees' retirement system, as much as may be necessary, not exceeding three thousand two hundred dollars ..... $ 3,200.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-nine thousand five hundred dollars ..... $ 29,500.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such twenty-nine thousand five hundred dollars ($29,500.00), is hereby also appropriated for such purposes.

HeinOnline -- 1955 847 1955

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred thirteen thousand nine hundred ninety dollars .....$ 213,990.00

In addition to the above appropriation there is hereby appropriated one half of all income from land grants, all endowments and trust funds subject to all statutory provisions.

NORTHERN MONTANA COLLEGE AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-eight thousand five hundred seventy-seven dollars .....$ 158,577.00

For teachers' retirement system, as much as may be necessary, not exceeding seven thousand five hundred dollars .....$ 7,500.00

For public employees' retirement system, as much as may be necessary, not exceeding one thousand seven hundred seventy-five dollars .....$ 1,775.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-four thousand dollars .....$ 24,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such twenty-four thousand dollars ($24,000.00), is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one hundred sixty thousand four hundred twenty-two dollars .....$ 160,422.00

In addition to each of the above appropriations, there is also appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

HeinOnline -- 1955 848 1955

STUDENT TRAVEL REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars .....$ 2,000.00

Section 4. The appropriation contained herein shall only be used for the purposes designated, nor shall they be interchangeable, and all appropriations provided herein are subject to the definitions appearing in section 1 of this act. In the event any institution, department, station or service or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund, but in no event shall they be used for the purposes other than that for which they were provided.

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein said meetings are held outside the State of Montana, except by special permission of the state board of education obtained in advance.

Approved March 15, 1955.

HOUSE BILL NO. 431

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions, for the Period Beginning July 1, 1955, and Ending June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to

HeinOnline -- 1955 849 1955

temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau or commission to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contributions to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

HeinOnline -- 1955 850 1955

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1955, and ending June 30, 1956.

LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

Salaries and wages, one hundred fifteen thousand dollars $115,000.00

Expenses, thirty thousand dollars ..... $ 30,000.00

Public employees' retirement system, four thousand eight hundred dollars ..... $ 4,800.00

Poultry disease control salaries, five thousand dollars $ 5,000.00

Brucellosis control salaries, twenty-five thousand dollars ..... $ 25,000.00

Slaughter inspection of meat, five thousand dollars .... $ 5,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in section 84-5211, Revised Codes of Montana, 1947.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

Noxious rodent control, twenty thousand dollars ..... $ 20,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

HeinOnline -- 1955 851 1955

FROM THE BOUNTY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE STOCK ESTRAY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE RODENT CONTROL FUND

As much as may be necessary to pay all lawful claims, as provided by law.

APPRENTICESHIP COUNCIL

FROM THE GENERAL FUND

Salaries and wages, nineteen thousand dollars ..... $ 19,000.00

Maintenance and operation, seven thousand seven hundred thirty-five dollars ..... $ 7,735.00

Repairs and replacements, one hundred fifty dollars .... $ 150.00

Capital outlay, four hundred fifty dollars ..... $ 450.00

Public employees' retirement system, six hundred fifty dollars ..... $ 650.00

STATE CONTROLLER

FROM THE GENERAL FUND

Salaries and wages, seventy-two thousand eight hundred fifty dollars ..... $ 72,850.00

Maintenance and operation, twenty-nine thousand four hundred dollars ..... $ 29,400.00

Repairs and replacements, one thousand dollars ..... $ 1,000.00

Capital outlay, two thousand three hundred thirty-five dollars ..... $ 2,335.00

Public employees' retirement system, three thousand seven hundred fifty dollars ..... $ 3,750.00

FROM THE MILLAGE FUND

Salaries and wages, nine thousand dollars ..... $ 9,000.00

HeinOnline -- 1955 852 1955

FROM THE HIGHWAY FUND

Salaries and wages, twenty-one thousand dollars .....$ 21,000.00

FROM THE FISH AND GAME FUND

Maintenance and operation, six thousand dollars .....$ 6,000.00

COMMODITY DISTRIBUTION DIVISION

FROM THE GENERAL FUND

Salaries and wages, eleven thousand one hundred sixty dollars .....$ 11,160.00

Maintenance and operation, two hundred fifty dollars $ 250.00

For revolving fund for surplus commodities to private agencies as designated by federal law, two thousand dollars .....$ 2,000.00

FROM THE COMMODITY DISTRIBUTION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

Salaries and operations, five thousand dollars .....$ 5,000.00

STATE EXAMINER

FROM THE GENERAL FUND

Salaries and wages, seventy-nine thousand dollars .....$ 79,000.00

Maintenance and operation, thirty-three thousand dollars .....$ 33,000.00

Repairs and replacements, three hundred fifty dollars $ 350.00

Capital outlay, one thousand four hundred dollars .....$ 1,400.00

Public employees' retirement system, two thousand two hundred dollars .....$ 2,200.00

Permanent revolving fund, one thousand dollars .....$ 1,000.00

HeinOnline -- 1955 853 1955

ADJUTANT GENERAL

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, thirty-three thousand one hundred thirty dollars ..... $ 33,130.00

Maintenance and operation, ninety-six thousand one hundred five dollars ..... $ 96,105.00

Repairs and replacements, one thousand five hundred fifty dollars ..... $ 1,550.00

Capital outlay, six thousand nine hundred twenty-seven dollars ..... $ 6,927.00

Public employees' retirement system, one thousand five hundred twenty dollars ..... $ 1,520.00

ARMORIES' DIVISION

FROM THE GENERAL FUND

Salaries and wages, seven thousand three hundred fifty dollars ..... $ 7,350.00

Maintenance and operation, six thousand seven hundred fifty dollars ..... $ 6,750.00

Repairs and replacements, seven thousand five hundred dollars ..... $ 7,500.00

Capital outlay, one hundred dollars ..... $ 100.00

Public employees' retirement system, two hundred fifty-five dollars ..... $ 255.00

FROM THE ARMORY PHYSICAL PLANT FUND

As much as may be necessary to pay all lawful claims, as provided by law.

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

Salaries and wages, nineteen thousand one hundred dollars ..... $ 19,100.00

Maintenance and operation, ten thousand six hundred sixty dollars ..... $ 10,660.00

HeinOnline -- 1955 854 1955

Repairs and replacements, four hundred dollars .....$ 400.00

Capital outlay, three hundred dollars .....$ 300.00

Public employees' retirement system, three hundred dollars .....$ 300.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

Salary of the chairman, seven thousand dollars .....$ 7,000.00

Other salaries and wages, seventy thousand dollars ....$ 70,000.00

Maintenance and operation, forty-eight thousand dollars .....$ 48,000.00

Repairs and replacements, three thousand five hundred dollars .....$ 3,500.00

Capital outlay, four thousand six hundred dollars .....$ 4,600.00

Public employees' retirement system, three thousand four hundred dollars .....$ 3,400.00

Safety codes, five thousand dollars .....$ 5,000.00

FROM THE INDUSTRIAL ACCIDENT ADMINISTRATIVE FUND

In addition to the above appropriations, there is hereby appropriated all fees and collections accruing to the industrial accident administrative fund for salaries and expenses, as provided by law.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

FROM THE INDUSTRIAL ACCIDENT SECOND INJURY FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

HeinOnline -- 1955 855 1955

FROM THE VOLUNTEER FIREMEN'S COMPENSATION FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

Salaries and expenses, three hundred dollars .....$ 300.00

STATE ENTOMOLOGIST

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, six thousand seven hundred ninety-two dollars and fifty cents .....$ 6,792.50

Maintenance and operation, three thousand eight hundred sixty-two dollars and seventy-four cents .....$ 3,862.74

Repairs and replacements, two hundred fifty dollars ....$ 250.00

Capital outlay, seventy-five dollars .....$ 75.00

Public employees' retirement system, two hundred thirty dollars and ninety-five cents .....$ 230.95

APICULTURE DIVISION

FROM THE GENERAL FUND

Salaries and wages, six thousand one hundred eighty-seven dollars and fifty cents .....$ 6,187.50

Maintenance and operation, one thousand eight hundred twelve dollars and forty-four cents .....$ 1,812.44

Capital outlay, fifteen dollars .....$ 15.00

Public employees' retirement system, two hundred ten dollars and thirty-seven cents .....$ 210.37

RANGE CONTROL INVESTIGATIONS

FROM THE GENERAL FUND

Salaries and wages, five thousand four hundred fifty-six dollars .....$ 5,456.00

Maintenance and operation, one thousand seven hundred ninety-eight dollars .....$ 1,798.00

HeinOnline -- 1955 856 1955

Public employees' retirement system, one hundred eighty-five dollars and fifty cents ..... $ 185.50

LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

Salaries and wages, fourteen thousand five hundred dollars ..... $ 14,500.00

Maintenance and operation, two thousand six hundred sixty-four dollars ..... $ 2,664.00

Capital outlay, three thousand eight hundred fifty dollars ..... $ 3,850.00

Public employees' reitrement system, four hundred ninety-three dollars ..... $ 493.00

LAW LIBRARY

FROM THE GENERAL FUND

Salaries and wages, six thousand three hundred dollars $ 6,300.00

Maintenance and operation, four hundred sixty dollars and eighty cents ..... $ 460.80

Capital outlay, three hundred dollars ..... $ 300.00

Legislative reference bureau, seventy-five dollars ..... $ 75.00

Public employees' retirement system, two hundred fourteen dollars and twenty cents ..... $ 214.20

FROM THE LAW LIBRARY BOOK FUND

As much as may be necessary to pay all lawful claims, as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

Salaries and wages, thirty-two thousand eight hundred dollars ..... $ 32,800.00

Maintenance and operation, four thousand five hundred forty dollars ..... $ 4,540.00

Repairs and replacements, eight hundred dollars ..... $ 800.00

HeinOnline -- 1955 857 1955

Capital outlay, three thousand eight hundred dollars $ 3,800.00

Public employees' retirement system, one thousand one hundred dollars ..... $ 1,100.00

Hauser papers, one thousand dollars ..... $ 1,000.00

FROM THE HISTORICAL SOCIETY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE SPECIAL LIBRARY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE MUSEUM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

STATE ENGINEER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twelve thousand dollars ..... $ 12,000.00

Maintenance and operation, one thousand eight hundred fifty dollars ..... $ 1,850.00

Repairs and replacements, four hundred dollars ..... $ 400.00

Capital outlay, five hundred dollars ..... $ 500.00

Public employees' retirement system, two thousand five hundred dollars ..... $ 2,500.00

STREAM GAUGING

FROM THE GENERAL FUND

Salaries and wages, twenty-two thousand dollars ..... $ 22,000.00

Maintenance and operation, one thousand two hundred dollars ..... $ 1,200.00

Repairs and replacements, two thousand dollars ..... $ 2,000.00

WATER RESOURCES' SURVEY

FROM THE GENERAL FUND

Salaries and wages, forty-three thousand dollars ..... $ 43,000.00

HeinOnline -- 1955 858 1955

Maintenance and operation, twenty thousand dollars ....$ 20,000.00

Repairs and replacements, one thousand eight hundred dollars .....$ 1,800.00

Capital outlay, one thousand seven hundred dollars ....$ 1,700.00

YELLOWSTONE RIVER COMPACT

FROM THE GENERAL FUND

Salaries and wages, one thousand three hundred fifty dollars .....$ 1,350.00

Maintenance and operation, one hundred fifty dollars $ 150.00

SURVEY OF INTERNATIONAL WATERS

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars .....$ 2,500.00

COLUMBIA RIVER COMPACT

FROM THE GENERAL FUND

Salaries and expenses, seven thousand two hundred dollars .....$ 7,200.00

COMMISSIONER OF LANDS AND INVESTMENTS

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, forty-five thousand five hundred eighty dollars .....$ 45,580.00

Maintenance and operation, seven thousand five hundred fifty-seven dollars .....$ 7,557.00

Repairs and replacements, two hundred dollars .....$ 200.00

Capital outlay, seven hundred dollars .....$ 700.00

Public employees' retirement system, one thousand five hundred fifty dollars .....$ 1,550.00

For the survey of islands in the Yellowstone river, three thousand five hundred dollars .....$ 3,500.00

HeinOnline -- 1955 859 1955

FROM THE LAND SALES' PETTY CASH FUND

As much as may be necessary to pay all lawful claims, as provided by law.

CHIEF FIELD AGENT

FROM THE GENERAL FUND

Salaries and wages, thirty-eight thousand eighty dollars ..... $ 38,080.00

Maintenance and operation, twenty-seven thousand ten dollars ..... $ 27,010.00

Repairs and replacements, seventy-five dollars ..... $ 75.00

Capital outlay, three hundred dollars ..... $ 300.00

Public employees' retirement system, one thousand three hundred dollars ..... $ 1,300.00

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims, as provided by law.

In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

MILK CONTROL BOARD

FROM THE GENERAL FUND

Salaries and wages, thirteen thousand two hundred dollars ..... $ 13,200.00

Maintenance and operation, five thousand seven hundred sixty dollars ..... $ 5,760.00

Repairs and replacements, one hundred twenty-five dollars ..... $ 125.00

Capital outlay, two hundred fifty dollars ..... $ 250.00

Public employees' retirement system, four hundred fifty dollars ..... $ 450.00

HeinOnline -- 1955 860 1955

POULTRY IMPROVEMENT BOARD

FROM THE GENERAL FUND

Salaries and wages, eight thousand four hundred dollars ..... $ 8,400.00

Maintenance and operation, two thousand eight hundred ten dollars ..... $ 2,810.00

Public employees' retirement system, two hundred ninety dollars ..... $ 290.00

Capital outlay, two hundred seventy-five dollars ..... $ 275.00

FROM THE POULTRY IMPROVEMENT BOARD FUND

As much as may be necessary to pay all lawful claims, as provided by law.

STATE PARKS' DIVISION

FROM THE GENERAL FUND

Salaries and wages, eight thousand dollars ..... $ 8,000.00

Maintenance and operation, six thousand dollars ..... $ 6,000.00

Repairs and replacements, three thousand five hundred dollars ..... $ 3,500.00

Public employees' retirement system, two hundred seventy-five dollars ..... $ 275.00

Capital outlay, three thousand dollars ..... $ 3,000.00

FROM THE STATE PARKS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE CONCESSIONERS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE FEDERAL TAX FUND

As much as may be necessary to pay all lawful claims, as provided by law.

HeinOnline -- 1955 861 1955

UNEMPLOYMENT COMPENSATION COMMISSION

FROM THE GENERAL FUND

For administrative salaries and expenses and for implementing the purpose of section 11-B of Montana unemployment compensation law in opposing federalization, five hundred dollars ..... $ 500.00

FROM THE UNEMPLOYMENT COMPENSATION BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE MONTANA CASH SICK AND DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE JOINT MERIT SYSTEM FUND

So much thereof as may be necessary to comply with the provisions of the law.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

Salaries and wages, one hundred twenty-three thousand five hundred dollars $123,500.00

Maintenance and operation, thirty-two thousand three hundred dollars ..... $ 32,300.00

Repairs and replacements, one thousand dollars ..... $ 1,000.00

Public employees' retirement system, four thousand two hundred dollars ..... $ 4,200.00

OIL AND GAS CONSERVATION COMMISSION

FROM THE OIL AND GAS CONSERVATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

DEPARTMENT OF AGRICULTURE

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twenty-one thousand fifty dollars $ 21,050.00

HeinOnline -- 1955 862 1955

Capital outlay, three hundred fifty dollars .....$ 350.00

Repairs and replacements, six hundred fifty dollars ....$ 650.00

Maintenance and operation, ten thousand dollars .....$ 10,000.00

Public employees' retirement system, eight thousand six hundred thirty dollars .....$ 8,630.00

DAIRY DIVISION

FROM THE GENERAL FUND

Salaries and wages, twenty-seven thousand dollars ....$ 27,000.00

Capital outlay, five hundred dollars .....$ 500.00

Maintenance and operation, eleven thousand five hundred dollars .....$ 11,500.00

RUST CONTROL DIVISION

FROM THE GENERAL FUND

Salaries and wages, two thousand six hundred dollars $ 2,600.00

Maintenance and operation, nine hundred dollars .....$ 900.00

GRAIN STANDARDS AND MARKETING DIVISION

FROM THE GENERAL FUND

Salaries and wages, ninety-three thousand five hundred fifty-five dollars .....$ 93,555.00

Capital outlay, four thousand dollars .....$ 4,000.00

Repairs and replacements, one thousand dollars .....$ 1,000.00

Maintenance and operation, twenty-four thousand dollars .....$ 24,000.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

Salaries, eighty-five thousand dollars .....$ 85,000.00

Capital outlay, five hundred dollars .....$ 500.00

Maintenance and operation, twenty-one thousand four hundred seventy-five dollars .....$ 21,475.00

HeinOnline -- 1955 863 1955

FROM THE HIGHWAY FUND

Maintenance and operation, six thousand three hundred dollars ..... $ 6,300.00

WEIGHTS AND MEASURES' DIVISION

FROM THE GENERAL FUND

Salaries and wages, twenty-four thousand dollars ..... $ 24,000.00

Maintenance and operation, eighteen thousand dollars $ 18,000.00

Capital outlay, eight thousand dollars ..... $ 8,000.00

AGRICULTURAL STATISTICS' DIVISION

FROM THE GENERAL FUND

Salaries and wages, eight thousand dollars ..... $ 8,000.00

Maintenance and operation, two thousand dollars ..... $ 2,000.00

REAL ESTATE DIVISION

FROM THE GENERAL FUND

Salaries and wages, three thousand four hundred dollars ..... $ 3,400.00

Maintenance and operation, two thousand seven hundred dollars ..... $ 2,700.00

COMMERCIAL FERTILIZER DIVISION

FROM THE GENERAL FUND

Salaries and wages, six hundred dollars ..... $ 600.00

Maintenance and operation, four hundred dollars ..... $ 400.00

COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

STATE BOARD OF EQUALIZATION ADMINISTRATION

ADMINISTRATION

FROM THE GENERAL FUND

Salary of the board members, twenty-one thousand dollars ..... $ 21,000.00

HeinOnline -- 1955 864 1955

Salaries of others, seventy-nine thousand one hundred dollars ..... $ 79,100.00

Operation, eighteen thousand six hundred fifteen dollars ..... $ 18,615.00

Public employees' retirement system, three thousand one hundred fifty-four dollars ..... $ 3,154.00

Capital, eight hundred dollars ..... $ 800.00

Repairs and replacements, one thousand one hundred fifty dollars ..... $ 1,150.00

INCOME TAX DIVISION

FROM THE GENERAL FUND

Salaries, one hundred thirty-four thousand four hundred thirty-seven dollars and fifty cents $134,437.50

Operation, thirty-eight thousand two hundred fifty dollars ..... $ 38,250.00

Public employees' retirement system, four thousand thirty-five dollars ..... $ 4,035.00

Capital, seventeen thousand five hundred thirty-one dollars and twenty-five cents ..... $ 17,531.25

Repairs and replacements, three hundred seventy-five dollars ..... $ 375.00

Seventy-five percent (75%) of so much as is required to carry out the provisions of the withholding tax law, including necessary refunds.

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, forty-four thousand eight hundred twelve dollars and fifty cents ..... $ 44,812.50

Operation, twelve thousand seven hundred fifty dollars ..... $ 12,750.00

Public employees' retirement system, one thousand three hundred forty-five dollars ..... $ 1,345.00

Capital, five thousand eight hundred forty-three dollars and seventy-five cents ..... $ 5,843.75

HeinOnline -- 1955 865 1955

Repairs and replacements, one hundred twenty-five dollars ..... $ 125.00

Twenty-five percent (25%) of so much as is required to carry out the provisions of the withholding tax law, including necessary refunds.

CORPORATION LICENSE TAX DIVISION

FROM THE GENERAL FUND

Salaries, thirteen thousand five hundred dollars ..... $ 13,500.00

Operation, three thousand four hundred twelve dollars and fifty cents ..... $ 3,412.50

Public employees' retirement system, four hundred five dollars ..... $ 405.00

Capital, two hundred dollars ..... $ 200.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, four thousand five hundred dollars ..... $ 4,500.00

Operation, one thousand one hundred thirty-seven dollars and fifty cents ..... $ 1,137.50

Public employees' retirement system, one hundred thirty-five dollars ..... $ 135.00

Capital, fifty dollars ..... $ 50.00

GASOLINE TAX REFUND AND TAX DIVISION

FROM THE HIGHWAY FUND

Salaries, fifty-eight thousand three hundred dollars .... $ 58,300.00

Operation, twenty-six thousand two hundred forty-five dollars ..... $ 26,245.00

Public employees' retirement system, one thousand seven hundred five dollars ..... $ 1,705.00

Capital, two thousand six hundred fifty dollars ..... $ 2,650.00

Repairs and replacements, five hundred dollars ..... $ 500.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal govern-

HeinOnline -- 1955 866 1955

ment, as much as may be necessary to comply with the provisions of the law.

LICENSING DIVISION

FROM THE GENERAL FUND

Salaries, twelve thousand five hundred dollars ..... $ 12,500.00

Operation, nine thousand six hundred twenty-five dollars ..... $ 9,625.00

Public employees' retirement system, three hundred seventy-five dollars ..... $ 375.00

Capital, five hundred dollars ..... $ 500.00

Repairs and replacements, three hundred fifty dollars $ 350.00

STATE FORESTER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twenty-six thousand seven hundred sixty-five dollars ..... $ 26,765.00

Capital outlay, one thousand nine hundred fifty dollars ..... $ 1,950.00

Repairs and replacements, one hundred fifty dollars .... $ 150.00

Maintenance and operation, two thousand three hundred eighty-two dollars ..... $ 2,382.00

Public employees' retirement system, six thousand two hundred sixty-two dollars ..... $ 6,262.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

Salaries and wages, twenty thousand two hundred fifteen dollars ..... $ 20,215.00

Capital outlay, two thousand eight hundred eighty dollars ..... $ 2,880.00

Repairs and replacements, two thousand five hundred dollars ..... $ 2,500.00

Maintenance and operation, twenty-five thousand two hundred dollars ..... $ 25,200.00

HeinOnline -- 1955 867 1955

Inventory of forest resources, ten thousand dollars .....$ 10,000.00

Insect control of state forests, twenty-five thousand dollars .....$ 25,000.00

TIMBER SALES

FROM THE GENERAL FUND

Salaries and wages, seventy-two thousand six hundred fifty dollars .....$ 72,650.00

Capital, one thousand one hundred seventy-eight dollars .....$ 1,178.00

Maintenance and operation, sixteen thousand thirteen dollars .....$ 16,013.00

In addition to the above appropriations, there is hereby appropriated all money received from the federal government or trust to be used for the purposes for which they are provided.

REGISTRAR OF MOTOR VEHICLES

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, as much thereof as may be necessary to pay all lawful claims, as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

BOARD OF FORESTRY

FROM THE GENERAL FUND

Salaries and wages, one thousand eighty dollars .....$ 1,080.00

Maintenance and operation, four hundred twenty dollars .....$ 420.00

RURAL FIRE FIGHTERS' SERVICE

FROM THE GENERAL FUND

Salaries and wages, one thousand nine hundred dollars $ 1,900.00

Maintenance and operation, six hundred dollars .....$ 600.00

HeinOnline -- 1955 868 1955

FROM THE KEEP MONTANA GREEN FUND

As much as may be necessary to pay all lawful claims, as provided by law.

DEPARTMENT OF LABOR AND INDUSTRY

FROM THE GENERAL FUND

Salaries and wages, twelve thousand two hundred dollars ..... $ 12,200.00

Capital outlay, one hundred sixty dollars ..... $ 160.00

Maintenance and operation, three thousand five hundred dollars ..... $ 3,500.00

Public employees' retirement system, four hundred fifteen dollars ..... $ 415.00

CIVIL DEFENSE AGENCY

FROM THE GENERAL FUND

Salaries and wages, seven thousand five hundred dollars ..... $ 7,500.00

Operation, six thousand five hundred dollars ..... $ 6,500.00

Public employees' retirement system, two hundred fifty-five dollars ..... $ 255.00

FROM THE CIVIL DEFENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE DISASTER RELIEF FUND

As much as may be necessary to pay all lawful claims, as provided by law.

CO-ORDINATOR OF INDIAN AFFAIRS

FROM THE GENERAL FUND

Salaries and wages, three thousand eight hundred dollars ..... $ 3,800.00

Maintenance and operation, one thousand nine hundred twenty-five dollars ..... $ 1,925.00

HeinOnline -- 1955 869 1955

Repairs and replacements, seventy-five dollars .....$ 75.00

Public employees' retirement system one hundred thirty dollars .....$ 130.00

MICROFILM DIVISION

FROM THE GENERAL FUND

Salaries and wages, nine thousand five hundred dollars .....$ 9,500.00

Maintenance and operation, two thousand dollars .....$ 2,000.00

Repairs and replacements, one hundred dollars .....$ 100.00

Public employees' retirement system, three hundred twenty-five dollars .....$ 325.00

STATE AERONAUTICS' COMMISSION

FROM THE STATE AVIATION FUND

For salaries and expenses, including salaries, so much thereof as may be necessary to pay all lawful claims as provided by law.

REGULATORY BOARDS

All regulatory boards for which the law provides for collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the monies received from the sale of liquor in the administration of the liquor control act as provided in sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in section 4-347, Revised Codes of Montana, 1947.

HeinOnline -- 1955 870 1955

ADJUSTED COMPENSATION DIVISION

FROM THE VETERANS' COMPENSATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

FROM THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1956, and ending June 30, 1957.

LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

Salaries and wages, one hundred fifteen thousand dollars $115,000.00

Expenses, thirty thousand dollars ..... $ 30,000.00

Public employees' retirement system, four thousand eight hundred dollars ..... $ 4,800.00

Poultry disease control salaries, five thousand dollars $ 5,000.00

Brucellosis control salaries, twenty-five thousand dollars ..... $ 25,000.00

Slaughter inspection of meat, five thousand dollars .... $ 5,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of

HeinOnline -- 1955 871 1955

the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in section 84-5211, Revised Codes of Montana, 1947.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

Noxious rodent control, twenty thousand dollars .....$ 20,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE STOCK ESTRAY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE RODENT CONTROL FUND

As much as may be necessary to pay all lawful claims, as provided by law.

APPRENTICESHIP COUNCIL

FROM THE GENERAL FUND

Salaries and wages, nineteen thousand dollars .....$ 19,000.00

Maintenance and operation, seven thousand seven hundred thirty-five dollars .....$ 7,735.00

Repairs and replacements, one hundred fifty dollars ....$ 150.00

Capital outlay, four hundred fifty dollars .....$ 450.00

Public employees' retirement system, six hundred fifty dollars .....$ 650.00

STATE CONTROLLER

FROM THE GENERAL FUND

Salaries and wages, seventy-five thousand two hundred fifty dollars .....$ 75,250.00

HeinOnline -- 1955 872 1955

Maintenance and operation, thirty-seven thousand seven hundred fifty dollars ..... $ 37,750.00

Repairs and replacements, nine hundred dollars ..... $ 900.00

Public employees' retirement system, three thousand seven hundred fifty dollars ..... $ 3,750.00

FROM THE MILLAGE FUND

Salaries and wages, nine thousand dollars ..... $ 9,000.00

FROM THE HIGHWAY FUND

Salaries and wages, twenty-one thousand dollars ..... $ 21,000.00

FROM THE FISH AND GAME FUND

Maintenance and operation, six thousand dollars ..... $ 6,000.00

COMMODITY DISTRIBUTION DIVISION

FROM THE GENERAL FUND

Salaries and wages, eleven thousand two hundred eighty dollars ..... $ 11,280.00

Maintenance and operation, two hundred fifty dollars $ 250.00

For revolving fund for surplus commodities to private agencies as designated by federal law, two thousand dollars ..... $ 2,000.00

FROM THE COMMODITY DISTRIBUTION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

Salaries and operations, five thousand dollars ..... $ 5,000.00

STATE EXAMINER

FROM THE GENERAL FUND

Salaries and wages, seventy-nine thousand dollars ..... $ 79,000.00

Maintenance and operation, thirty-three thousand dollars ..... $ 33,000.00

HeinOnline -- 1955 873 1955

Repairs and replacements, three hundred fifty dollars $ 350.00

Capital outlay, one thousand four hundred dollars .....$ 1,400.00

Public employees' retirement system, two thousand two hundred dollars .....$ 2,200.00

ADJUTANT GENERAL

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, thirty-three thousand one hundred thirty dollars .....$ 33,130.00

Maintenance and operation, ninety-seven thousand four hundred eighty dollars .....$ 97,480.00

Repairs and replacements, five hundred fifty dollars $ 550.00

Capital outlay, one hundred fifty dollars .....$ 150.00

Public employees' retirement system, one thousand five hundred twenty dollars .....$ 1,520.00

ARMORIES' DIVISION

FROM THE GENERAL FUND

Salaries and wages, seven thousand three hundred fifty dollars .....$ 7,350.00

Maintenance and operation, six thousand seven hundred fifty dollars .....$ 6,750.00

Repairs and replacements, seven thousand five hundred dollars .....$ 7,500.00

Capital outlay, one hundred dollars .....$ 100.00

Public employees' retirement system, two hundred fifty-five dollars .....$ 255.00

FROM THE ARMORY PHYSICAL PLANT FUND

As much as may be necessary to pay all lawful claims, as provided by law.

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

Salaries and wages, nineteen thousand one hundred dollars .....$ 19,100.00

HeinOnline -- 1955 874 1955

Maintenance and operation, ten thousand six hundred sixty dollars ..... $ 10,660.00

Repairs and replacements, four hundred dollars ..... $ 400.00

Capital outlay, three hundred dollars ..... $ 300.00

Public employees' retirement system, three hundred dollars ..... $ 300.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

Salary of the chairman, seven thousand dollars ..... $ 7,000.00

Other salaries and wages, seventy thousand dollars .... $ 70,000.00

Maintenance and operation, forty-eight thousand dollars ..... $ 48,000.00

Repairs and replacements, five thousand seven hundred dollars ..... $ 5,700.00

Public employees' retirement system, three thousand four hundred dollars ..... $ 3,400.00

Safety codes, five thousand dollars ..... $ 5,000.00

FROM THE INDUSTRIAL ACCIDENT ADMINISTRATIVE FUND

In addition to the above appropriations, there is hereby appropriated all fees and collections accruing to the industrial accident administrative fund for salaries and expenses, as provided by law.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

FROM THE INDUSTRIAL ACCIDENT SECOND INJURY FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

HeinOnline -- 1955 875 1955

FROM THE VOLUNTEER FIREMEN'S COMPENSATION FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS
FROM THE GENERAL FUND

Salaries and expenses, three hundred dollars .....$ 300.00

STATE ENTOMOLOGIST

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, six thousand seven hundred ninety-two dollars and fifty cents .....$ 6,792.50

Maintenance and operation, four thousand one hundred twelve dollars and seventy-four cents .....$ 4,112.74

Repairs and replacements, two hundred fifty dollars ....$ 250.00

Capital outlay, seventy-five dollars .....$ 75.00

Public employees' retirement system, two hundred thirty dollars and ninety-five cents .....$ 230.95

APICULTURE DIVISION

FROM THE GENERAL FUND

Salaries and wages, six thousand one hundred eighty-seven dollars and fifty cents .....$ 6,187.50

Maintenance and operation, one thousand eight hundred twelve dollars and forty-four cents .....$ 1,812.44

Capital outlay, fifteen dollars .....$ 15.00

Public employees' retirement system, two hundred ten dollars and thirty-seven cents .....$ 210.37

RANGE CONTROL INVESTIGATIONS

FROM THE GENERAL FUND

Salaries and wages, five thousand four hundred fifty-six dollars .....$ 5,456.00

Maintenance and operation, one thousand seven hundred ninety-eight dollars .....$ 1,798.00

HeinOnline -- 1955 876 1955

Public employees' retirement system, one hundred eighty-five dollars and fifty cents ..... $ 185.50

LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

Salaries and wages, fourteen thousand five hundred dollars ..... $ 14,500.00

Maintenance and operation, two thousand six hundred sixty-four dollars ..... $ 2,664.00

Capital outlay, three thousand seven hundred fifty dollars ..... $ 3,750.00

Public employees' retirement system, four hundred ninety-three dollars ..... $ 493.00

LAW LIBRARY

FROM THE GENERAL FUND

Salaries and wages, six thousand three hundred dollars $ 6,300.00

Maintenance and operation, four hundred sixty dollars and eighty cents ..... $ 460.80

Capital outlay, three hundred dollars ..... $ 300.00

Legislative reference bureau, seventy-five dollars ..... $ 75.00

Public employees' retirement system, two hundred fourteen dollars and twenty cents ..... $ 214.20

FROM THE LAW LIBRARY BOOK FUND

As much as may be necessary to pay all lawful claims, as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

Salaries and wages, thirty-two thousand eight hundred dollars ..... $ 32,800.00

Maintenance and operation, four thousand five hundred forty dollars ..... $ 4,540.00

Repairs and replacements, eight hundred dollars ..... $ 800.00

HeinOnline -- 1955 877 1955

Capital outlay, three thousand eight hundred dollars $ 3,800.00

Public employees' retirement system, one thousand one hundred dollars .....$ 1,100.00

FROM THE HISTORICAL SOCIETY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE SPECIAL LIBRARY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE MUSEUM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

STATE ENGINEER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twelve thousand dollars .....$ 12,000.00

Maintenance and operation, one thousand eight hundred fifty dollars .....$ 1,850.00

Repairs and replacements, four hundred dollars .....$ 400.00

Capital outlay, five hundred dollars .....$ 500.00

Public employees' retirement system, two thousand five hundred dollars .....$ 2,500.00

STREAM GAUGING

FROM THE GENERAL FUND

Salaries and wages, twenty-two thousand dollars .....$ 22,000.00

Maintenance and operation, one thousand two hundred dollars .....$ 1,200.00

Repairs and replacements, five hundred dollars .....$ 500.00

WATER RESOURCES' SURVEY

FROM THE GENERAL FUND

Salaries and wages, forty-three thousand dollars .....$ 43,000.00

HeinOnline -- 1955 878 1955

Maintenance and operation, twenty thousand dollars ....$ 20,000.00

Repairs and replacements, one thousand eight hundred dollars .....$ 1,800.00

Capital outlay, one thousand seven hundred dollars ....$ 1,700.00

YELLOWSTONE RIVER COMPACT

FROM THE GENERAL FUND

Salaries and wages, one thousand three hundred fifty dollars .....$ 1,350.00

Maintenance and operation, one hundred fifty dollars $ 150.00

SURVEY OF INTERNATIONAL WATERS

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars .....$ 2,500.00

COLUMBIA RIVER COMPACT

FROM THE GENERAL FUND

Salaries and expenses, seven thousand two hundred dollars .....$ 7,200.00

COMMISSIONER OF LANDS AND INVESTMENTS

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, forty-five thousand five hundred eighty dollars .....$ 45,580.00

Maintenance and operation, six thousand four hundred dollars .....$ 6,400.00

Repairs and replacements, two hundred dollars .....$ 200.00

Capital outlay, five hundred twenty-five dollars .....$ 525.00

Public employees' retirement system, one thousand five hundred fifty dollars .....$ 1,550.00

FROM THE LAND SALES' PETTY CASH FUND

As much as may be necessary to pay all lawful claims, as provided by law.

HeinOnline -- 1955 879 1955

CHIEF FIELD AGENT

FROM THE GENERAL FUND

Salaries and wages, thirty-eight thousand eighty dollars ..... $ 38,080.00

Maintenance and operation, twenty-seven thousand one hundred fifty-nine dollars ..... $ 27,159.00

Repairs and replacements, seventy-five dollars ..... $ 75.00

Capital outlay, two hundred dollars ..... $ 200.00

Public employees' retirement system, one thousand three hundred dollars ..... $ 1,300.00

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims, as provided by law.

In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

MILK CONTROL BOARD

FROM THE GENERAL FUND

Salaries and wages, thirteen thousand two hundred dollars ..... $ 13,200.00

Maintenance and operation, five thousand seven hundred sixty dollars ..... $ 5,760.00

Public employees' retirement system, four hundred fifty dollars ..... $ 450.00

POULTRY IMPROVEMENT BOARD

FROM THE GENERAL FUND

Salaries and wages, eight thousand four hundred dollars ..... $ 8,400.00

Maintenance and operation, two thousand eight hundred ten dollars ..... $ 2,810.00

Public employees' retirement system, two hundred ninety dollars ..... $ 290.00

HeinOnline -- 1955 880 1955

Capital outlay, eight hundred fifty dollars .....$ 850.00

FROM THE POULTRY IMPROVEMENT BOARD FUND

As much as may be necessary to pay all lawful claims, as provided by law.

STATE PARKS' DIVISION

FROM THE GENERAL FUND

Salaries and wages, eight thousand dollars .....$ 8,000.00

Maintenance and operation, six thousand dollars .....$ 6,000.00

Repairs and replacements, three thousand dollars .....$ 3,000.00

Public employees' retirement system, two hundred seventy-five dollars .....$ 275.00

Capital outlay, three thousand dollars .....$ 3,000.00

FROM THE STATE PARKS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE CONCESSIONERS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE FEDERAL TAX FUND

As much as may be necessary to pay all lawful claims, as provided by law.

UNEMPLOYMENT COMPENSATION COMMISSION

FROM THE GENERAL FUND

For administrative salaries and expenses and for implementing the purpose of section 11-B of Montana unemployment compensation law in opposing federalization, five hundred dollars .....$ 500.00

FROM THE UNEMPLOYMENT COMPENSATION BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

HeinOnline -- 1955 881 1955

FROM THE MONTANA CASH SICK AND DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE JOINT MERIT SYSTEM FUND

So much thereof as may be necessary to comply with the provisions of the law.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

Salaries and wages, one hundred twenty-three thousand five hundred dollars $123,500.00

Maintenance and operation, thirty-two thousand three hundred dollars ..... $ 32,300.00

Public employees' retirement system, four thousand two hundred dollars ..... $ 4,200.00

OIL AND GAS CONSERVATION COMMISSION

FROM THE OIL AND GAS CONSERVATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

DEPARTMENT OF AGRICULTURE

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twenty-one thousand fifty dollars $ 21,050.00

Capital outlay, three hundred fifty dollars ..... $ 350.00

Repairs and replacements, six hundred fifty dollars .... $ 650.00

Maintenance and operation, ten thousand dollars ..... $ 10,000.00

Public employees' retirement system, eight thousand six hundred thirty dollars ..... $ 8,630.00

DAIRY DIVISION

FROM THE GENERAL FUND

Salaries and wages, twenty-seven thousand dollars .... $ 27,000.00

HeinOnline -- 1955 882 1955

Capital outlay, five hundred dollars ..... $ 500.00

Maintenance and operation, eleven thousand five hundred dollars ..... $ 11,500.00

RUST CONTROL DIVISION

FROM THE GENERAL FUND

Salaries and wages, two thousand six hundred dollars $ 2,600.00

Maintenance and operation, nine hundred dollars ..... $ 900.00

GRAIN STANDARDS AND MARKETING DIVISION

FROM THE GENERAL FUND

Salaries and wages, ninety-three thousand five hundred fifty-five dollars ..... $ 93,555.00

Capital outlay, two thousand dollars ..... $ 2,000.00

Maintenance and operation, twenty-four thousand dollars ..... $ 24,000.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

Salaries, eighty-five thousand dollars ..... $ 85,000.00

Capital outlay, five hundred dollars ..... $ 500.00

Maintenance and operation, nineteen thousand nine hundred seventy-five dollars ..... $ 19,975.00

FROM THE HIGHWAY FUND

Maintenance and operation, six thousand three hundred dollars ..... $ 6,300.00

WEIGHTS AND MEASURES' DIVISION

FROM THE GENERAL FUND

Salaries and wages, twenty-four thousand dollars ..... $ 24,000.00

Maintenance and operation, eighteen thousand dollars $ 18,000.00

Capital outlay, two thousand dollars ..... $ 2,000.00

HeinOnline -- 1955 883 1955

AGRICULTURAL STATISTICS' DIVISION

FROM THE GENERAL FUND

Salaries and wages, eight thousand dollars ..... $ 8,000.00

Maintenance and operation, two thousand dollars ..... $ 2,000.00

REAL ESTATE DIVISION

FROM THE GENERAL FUND

Salaries and wages, three thousand four hundred dollars ..... $ 3,400.00

Maintenance and operation, two thousand seven hundred dollars ..... $ 2,700.00

COMMERCIAL FERTILIZER DIVISION

FROM THE GENERAL FUND

Salaries and wages, six hundred dollars ..... $ 600.00

Maintenance and operation, four hundred dollars ..... $ 400.00

COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

STATE BOARD OF EQUALIZATION ADMINISTRATION

ADMINISTRATION

FROM THE GENERAL FUND

Salary of the board members, twenty-one thousand dollars ..... $ 21,000.00

Salaries of others, seventy-nine thousand one hundred dollars ..... $ 79,100.00

Operation, twenty-two thousand one hundred fifteen dollars ..... $ 22,115.00

Public employees' retirement system, three thousand one hundred fifty-four dollars ..... $ 3,154.00

Capital, eight hundred dollars ..... $ 800.00

Repairs and replacements, four hundred fifty dollars $ 450.00

HeinOnline -- 1955 884 1955

INCOME TAX DIVISION

FROM THE GENERAL FUND

Salaries, one hundred forty-seven thousand five hundred sixty-two dollars and fifty cents $147,562.50

Operation, thirty-nine thousand seven hundred fifty dollars ..... $ 39,750.00

Public employees' retirement system, four thousand four hundred twenty-five dollars ..... $ 4,425.00

Capital, fourteen thousand one hundred twenty-two dollars and fifty cents ..... $ 14,122.50

Repairs and replacements, three hundred seventy-five dollars ..... $ 375.00

Seventy-five percent (75%) of so much as is required to carry out the provisions of the withholding tax law, including necessary refunds.

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, forty-nine thousand one hundred eighty-seven dollars and fifty cents ..... $ 49,187.50

Operation, thirteen thousand two hundred fifty dollars $ 13,250.00

Public employees' retirement system, one thousand four hundred seventy-five dollars ..... $ 1,475.00

Capital, four thousand seven hundred seven dollars and fifty cents ..... $ 4,707.50

Repairs and replacements, one hundred twenty-five dollars ..... $ 125.00

Twenty-five percent (25%) of so much as is required to carry out the provisions of the withholding tax law, including necessary refunds.

CORPORATION LICENSE TAX DIVISION

FROM THE GENERAL FUND

Salaries, thirteen thousand five hundred dollars ..... $ 13,500.00

Operation, three thousand four hundred twelve dollars and fifty cents ..... $ 3,412.50

HeinOnline -- 1955 885 1955

Public employees' retirement system, four hundred five dollars ..... $ 405.00

Capital, two hundred dollars ..... $ 200.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, four thousand five hundred dollars ..... $ 4,500.00

Operation, one thousand one hundred thirty-seven dollars and fifty cents ..... $ 1,137.50

Public employees' retirement system, one hundred thirty-five dollars ..... $ 135.00

Capital, fifty dollars ..... $ 50.00

GASOLINE TAX REFUND AND TAX DIVISION

FROM THE HIGHWAY FUND

Salaries, fifty-eight thousand three hundred dollars .... $ 58,300.00

Operation, twenty-six thousand two hundred forty-five dollars ..... $ 26,245.00

Public employees' retirement system, one thousand seven hundred five dollars ..... $ 1,705.00

Capital, five hundred fifty dollars ..... $ 550.00

Repairs and replacements, five hundred dollars ..... $ 500.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal government, as much as may be necessary to comply with the provisions of the law.

LICENSING DIVISION

FROM THE GENERAL FUND

Salaries, twelve thousand five hundred dollars ..... $ 12,500.00

Operation, nine thousand six hundred twenty-five dollars ..... $ 9,625.00

Public employees' retirement system, three hundred seventy-five dollars ..... $ 375.00

Capital, five hundred dollars ..... $ 500.00

HeinOnline -- 1955 886 1955

Repairs and replacements, three hundred fifty dollars $ 350.00

STATE FORESTER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twenty-six thousand seven hundred sixty-five dollars ..... $ 26,765.00

Capital outlay, one thousand nine hundred fifty dollars ..... $ 1,950.00

Repairs and replacements, one hundred fifty dollars .... $ 150.00

Maintenance and operation, two thousand three hundred eighty-two dollars ..... $ 2,382.00

Public employees' retirement system, six thousand two hundred sixty-two dollars ..... $ 6,262.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

Salaries and wages, twenty thousand two hundred fifteen dollars ..... $ 20,215.00

Capital outlay, two thousand eight hundred eighty dollars ..... $ 2,880.00

Repairs and replacements, two thousand five hundred dollars ..... $ 2,500.00

Maintenance and operation, twenty-five thousand two hundred dollars ..... $ 25,200.00

TIMBER SALES

FROM THE GENERAL FUND

Salaries and wages, seventy-two thousand six hundred fifty dollars ..... $ 72,650.00

Capital, one thousand one hundred seventy-eight dollars ..... $ 1,178.00

Maintenance and operation, sixteen thousand thirteen dollars ..... $ 16,013.00

In addition to the above appropriations, there is hereby appro-

HeinOnline -- 1955 887 1955

priated all money received from the federal government or trust to be used for the purposes for which they were provided.

REGISTRAR OF MOTOR VEHICLES

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, as much thereof as may be necessary to pay all lawful claims, as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

BOARD OF FORESTRY

FROM THE GENERAL FUND

Salaries and wages, one thousand eighty dollars .....$ 1,080.00

Maintenance and operation, four hundred twenty dollars .....$ 420.00

RURAL FIRE FIGHTERS' SERVICE

FROM THE GENERAL FUND

Salaries and wages, one thousand nine hundred dollars $ 1,900.00

Maintenance and operation, six hundred dollars .....$ 600.00

FROM THE KEEP MONTANA GREEN FUND

As much as may be necessary to pay all lawful claims, as provided by law.

DEPARTMENT OF LABOR AND INDUSTRY

FROM THE GENERAL FUND

Salaries and wages, twelve thousand two hundred dollars .....$ 12,200.00

Capital outlay, one hundred sixty dollars .....$ 160.00

Maintenance and operation, three thousand five hundred dollars .....$ 3,500.00

HeinOnline -- 1955 888 1955

Public employees' retirement system, four hundred fifteen dollars ..... $ 415.00

CIVIL DEFENSE AGENCY

FROM THE GENERAL FUND

Salaries and wages, seven thousand five hundred dollars ..... $ 7,500.00

Operation, five thousand five hundred dollars ..... $ 5,500.00

Public employees' retirement system, two hundred fifty-five dollars ..... $ 255.00

FROM THE CIVIL DEFENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE DISASTER RELIEF FUND

As much as may be necessary to pay all lawful claims, as provided by law.

CO-ORDINATOR OF INDIAN AFFAIRS

FROM THE GENERAL FUND

Salaries and wages, four thousand dollars ..... $ 4,000.00

Maintenance and operation, one thousand nine hundred twenty-five dollars ..... $ 1,925.00

Repairs and replacements, seventy-five dollars ..... $ 75.00

Public employees' retirement system, one hundred thirty-six dollars ..... $ 136.00

MICROFILM DIVISION

FROM THE GENERAL FUND

Salaries and wages, nine thousand five hundred dollars ..... $ 9,500.00

Maintenance and operation, two thousand dollars ..... $ 2,000.00

Repairs and replacements, one hundred dollars ..... $ 100.00

Public employees' retirement system, three hundred twenty-five dollars ..... $ 325.00

HeinOnline -- 1955 889 1955

STATE AERONAUTICS' COMMISSION

FROM THE STATE AVIATION FUND

For salaries and expenses, including salaries, so much thereof as may be necessary to pay all lawful claims as provided by law.

REGULATORY BOARDS

All regulatory boards for which the law provides for collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the monies received from the sale of liquor in the administration of the liquor control act as provided in sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in section 4-347, Revised Codes of Montana, 1947.

ADJUSTED COMPENSATION DIVISION

FROM THE VETERANS' COMPENSATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

FROM THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in section 1 of this act shall govern all appropriations.

HeinOnline -- 1955 890 1955

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to monies from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Section 6. The appropriations herein provided for shall be held valid notwithstanding the provisions of the budget act.

Approved March 15, 1955.

HOUSE BILL NO. 432

An Act to Appropriate Money for the Salaries, Expenses and Other Purposes, as Designated Herein, for the Board of Pardons, for the Period Beginning April 1, 1955, and Ending June 30, 1957.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purposes of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly appointed officers or employees whose duties are of a continuous nature.

(2) The term "capital" means all articles, fixtures and goods of a permanent nature, but in no event shall the term "capital" mean buildings or purchase of lands. Store supplies shall have the same limitations.

(3) The term "expenses" means any expense with the exception of salaries and capital.

(4) The appropriations contained in this act are intended to provide only necessary expenditures for the period for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In case of necessity, appropriations may be used for either year of a biennium, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they are appropriated.

HeinOnline -- 1955 891 1955

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated from any moneys in the state treasury for the objects and purposes hereinafter expressed, for the period beginning April 1, 1955, and ending June 30, 1955.

FROM THE GENERAL FUND

For per diem and expenses of members of the board of pardons, five hundred twenty-five dollars ..... $ 525.00

For director's salary, one thousand two hundred fifty dollars ..... $ 1,250.00

For director's administrative expenses, one hundred eighty dollars ..... $ 180.00

For stenographer's salary, six hundred dollars ..... $ 600.00

For capital, one thousand five hundred dollars ..... $ 1,500.00

For office expenses, two hundred twenty-five dollars .. $ 225.00

For salaries of probation and parole officers, three thousand dollars ..... $ 3,000.00

For travel expenses for probation and parole officers, one thousand eight hundred dollars ..... $ 1,800.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated from any moneys in the state treasury for the objects and purposes hereinafter expressed, for the period beginning July 1, 1955, and ending June 30, 1957.

FROM THE GENERAL FUND

For per diem and expenses of members of the board of pardons, four thousand two hundred dollars ..... $ 4,200.00

For director's salary, ten thousand dollars $10,000.00

For director's administrative expense, one thousand eight hundred dollars ..... $ 1,800.00

For stenographer's salary, five thousand four hundred dollars ..... $ 5,400.00

For office expenses, two thousand four hundred dollars $ 2,400.00

For salaries for probation and parole officers, twenty-four thousand dollars $24,000.00

HeinOnline -- 1955 892 1955

For travel expenses for probation and parole officers, fourteen thousand four hundred dollars $14,400.00

Section 4. All appropriations contained herein shall be used for the purposes designated, and no other, and the definitions given in section 1 shall govern all appropriations.

Section 5. The appropriations herein provided for shall be held valid notwithstanding the provisions of the budget act.

Approved March 15, 1955.

HOUSE BILL NO. 433

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising from Obligations Incurred by the District Judges and Capitol Custodian, and Making a Supplemental Appropriation to the Governor's Office, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims:

FROM THE VETERANS' AND PIONEER MEMORIAL CONSTRUCTION FUND NO. 242

For obligations incurred by the capitol custodian for capital expenditures at the Pioneers' Memorial building, seven thousand eighty-eight dollars and ninety-two cents ($7,088.92), more particularly itemized as follows:

Northern School Supply Company, Great Falls, Montana, seven thousand eighty-eight dollars and ninety-two cents ..$7,088.92

FROM THE GENERAL FUND

For obligations incurred by district judges, forty-five dollars ($45.00), more particularly itemized as follows:

District judges, industrial accident board, forty-five dollars .....$ 45.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any

HeinOnline -- 1955 893 1955

money in the state treasury not otherwise appropriated, for the current biennium ending June 30, 1955.

FROM THE GENERAL FUND

Governor's office, two thousand five hundred dollars $2,500.00

Any amount remaining in this fund shall be reappropriated for the period beginning July 1, 1955, and ending June 30, 1957.

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

HOUSE BILL NO. 436

An Act to Appropriate Money to the Board of Examiners from the General Fund in the Sum of Twenty-five Thousand Dollars ($25,000.00) to Purchase Certain Lands Known as the Joe Ryan Ranch; Providing for Title to Be Vested in the State of Montana; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum of twenty-five thousand dollars ($25,000.00), or so much thereof, as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury from the general fund, not otherwise appropriated, to the board of examiners for the purchase of property adjacent to the Deer Lodge Valley Farms, known as the Joe Ryan ranch, including all buildings and improvements therein; said title of above property to be vested in the State of Montana.

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1955.

HOUSE JOINT MEMORIAL NO. 1

A Joint Memorial of the Senate and House of Representatives of the

HeinOnline -- 1955 894 1955

State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, Representatives from the State of Montana; to the Honorable Secretary of Interior of the United States; to the Honorable Secretary of Agriculture of the United States; Relating to Irrigation Canal Seepage, Mosquito Control and Land Development.

WHEREAS, much land within the State of Montana is under irrigation under the control of various authorities, public and private, with each irrigation project having a system of canals for carrying water which often seeps into adjoining land causing a fertile breeding ground for mosquitoes and causing alkali to reach the surface of the soil, thus causing permanent injury to the productivity of the soil and causing a mosquito problem which is injurious to the health, welfare and peace of mind of the inhabitants in the surrounding cities and towns as well as the people engaged in the farming of such land, and also causing losses to livestock production; and

WHEREAS, building of adequate drainage facilities, land leveling and seepage control will control this serious problem, as well as prevent further deterioration of the soil; and

WHEREAS, rejuvenation of the soil, mosquito control and seepage control has been done on a local scale, however local and federal funds made available are not sufficient to alleviate the basic problem and prevent further damage to the soil; and

WHEREAS, a combined action by local and federal agencies will correct this situation in a long range permanent manner;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Thirty-fourth Legislative Assembly of the State of Montana, the Senate concurring, that we respectfully recommend and urge the senators and representatives from Montana and the congress of the United States, the honorable secretary of interior and the honorable secretary of agriculture of the United States to provide additional funds and to take other appropriate action to alleviate and control the conditions described above.

BE IT FURTHER RESOLVED that copies of the resolution be forwarded by the chief clerk of the house of representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, senators from the State of Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, representatives from the State of Montana, to the honorable secretary of in-

HeinOnline -- 1955 895 1955

terior and the honorable secretary of agriculture of the United States.

Approved February 11, 1955.

HOUSE JOINT MEMORIAL NO. 2

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, Representatives from the State of Montana and to the Honorable Postmaster General; Relating to Issuance of a Stamp Commemorating Charles M. Russell.

To the Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, the western frontier has developed a large portion of the American heritage, a heritage that will live ever in the spirit of our national and state endeavor; and

WHEREAS, the rugged conditions of the west produced a scene in the passage of history that will never be duplicated; and

WHEREAS, Charles M. Russell has preserved for posterity in works of art unsurpassed in character and insight and has, as the passage of time will more fully indicate, designed a monumental guide to which the American people may always refer, to ever keep the thoughts drawn upon the ideals our frontiersmen and cowboys sought to carve out of a wilderness; and

WHEREAS, these principles are now more than ever needed before the public eye, and it is the desire of the people of Montana and those that appreciate his significance, that a stamp dedicated to Charles M. Russell be issued by the postmaster general of the United States;

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-fourth legislative assembly of the State of Montana, the senate concurring, that we respectfully urge that the senators and representatives from Montana to the congress of the United States, and the honorable postmaster general take appropriate action to issue a stamp commemorating the genius Charles M. Russell.

BE IT FURTHER RESOLVED that copies of this memorial be

HeinOnline -- 1955 896 1955

forwarded by the chief clerk of the house of representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, senators from the State of Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, representatives from the State of Montana, and to the honorable postmaster general of the United States.

Approved February 11, 1955.

HOUSE JOINT MEMORIAL NO. 3

A House Joint Memorial to the President of the United States, Dwight D. Eisenhower; to the Secretary of the Interior, Douglas McKay; to the Commissioner of Reclamation, W. A. Dexheimer; to the Chief of Army Engineer Corps, Major General S. D. Sturgis, Jr.; to the Members of the Interior and Insular Affairs' Committees of the United States Senate and United States House of Representatives; to the Montana Senators, James E. Murray and Mike Mansfield; to the Congressmen Orvin Fjare and Lee Metcalf; and to the State Governors on the Missouri Basin States Governors' Committee, Asking an Allocation of Funds for Completion of the Moorhead Dam.

BE IT RESOLVED by the house of representatives of Montana's thirty-fourth legislative assembly, the senate concurring:

WHEREAS, the proposed Moorhead dam and reservoir on Powder river is a part of the Missouri river basin project as authorized by section 9 of the flood control act of 1944; said dam to rest near the Wyoming-Montana state line; and

WHEREAS, this construction needed for flood erosion and silt control and the preservation of irrigable land is of vital importance to the entire economy of southeastern Montana; and

WHEREAS, all necessary preconstruction surveys have been completed and extensive reports have been developed in much detail to this end; and these have been well analyzed for flaws in the last few years, even while the federal government already had a sizeable sum expended at Moorhead in survey and camp facilities; and

WHEREAS, increased use of private pump irrigation systems along the lower Powder river makes a means of river control absolutely essential to the needs of every ranch unit in the area, for costly flood ravage has long been a peril to life and property in the river valley; and

HeinOnline -- 1955 897 1955

WHEREAS, strong organized support exists throughout the area adjacent to the river in the three Montana counties concerned—Powder River, Custer and Prairie counties—and this nonpartisan support consists of the ranchers, farmers, stockmen, seedgrowers, business interests and chambers of commerce, organized labor, corporate bodies, civic welfare groups, and sportsmen, while Montana land holders on the Powder river have petitioned our federal agencies to complete this project; and

WHEREAS, an appropriation is now required for use to start actual construction on Moorhead dam and reservoir;

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the State of Montana, the senate concurring, that the responsible officials be requested at once to do all possible in their official capacities to see that this Moorhead flood control project start is approved by the congress and that no restrictive amendments thereto are allowed in any coming interior department appropriation act.

Approved February 26, 1955.

HOUSE JOINT MEMORIAL NO. 4

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the President of the United States; to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from Montana; to the Honorable Orvin Fjare and the Honorable Lee Metcalf, representatives from the State of Montana; Relating to the Long and Short Haul Clause of Section Four of the Interstate Commerce Act.

To the Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, there will be proposed and introduced in the congress of the United States legislation providing for repeal of the long and short haul clause of the fourth section of the interstate commerce act; and

WHEREAS, the repeal of the long and short haul clause would permit railroad companies to assess lower rates and charges for long hauls than for shorter hauls over the same route in the same direction; and

HeinOnline -- 1955 898 1955

WHEREAS, the passage of such legislation will result in increased freight rates and charges on articles moving in interstate commerce to and from Montana to the detriment of producers, shippers and consumers of the State of Montana; that it would encourage discriminations in rates against small shippers in favor of large shippers that would be against the public interest; and would, we believe, be in the end detrimental to the best interests of the railroads themselves.

NOW, THEREFORE, be it resolved by the house of representatives of the State of Montana, the senate concurring therein:

That the congress of the United States is hereby respectfully memorialized and urged to deny the passage of any legislation providing for the repeal or amendment of the long and short haul clause of the fourth section of the interstate commerce act, when, as, and if presented for its consideration.

BE IT FURTHER RESOLVED by the thirty-fourth legislative assembly of Montana that the senators and representatives of the State of Montana in the congress of the United States be required to put forth every honorable effort to defeat the aforesaid type of legislation upon presentation to the congress of the United States, and that copies of this memorial be forwarded forthwith to the president of the United States, to the president of the senate, to the speaker of the house of representatives of the congress of the United States, and to the senators and representatives of the State of Montana.

Approved February 27, 1955.

HOUSE JOINT MEMORIAL NO. 6

A Joint Memorial of the House of Representatives and Senate of the State of Montana to the Congress of the United States, to James E. Murray and Mike Mansfield, Senators from the State of Montana, and to Lee Metcalf and Orvin Fjare, Representatives in Congress from the State of Montana, Urging That the Congress of the United States Make Sufficient Funds Available to Develop Topographic Maps for the Entire State of Montana as Soon as Possible.

WHEREAS, the State of Montana is very inadequately covered by the United States topographical maps, and

WHEREAS, at the present rate of progress it will take many years to complete the state, and

HeinOnline -- 1955 899 1955

WHEREAS, topographic maps are used by many industries, such as, mining, lumbering and the development of oil bearing areas, and

WHEREAS, topographic maps are very essential in the development of radio and television stations and especially since television is a new enterprise just coming into the state, and

WHEREAS, topographic maps are invaluable in development of land and water resources, and

WHEREAS, topographic maps are essential in locating rights-of-way for telephone, telegraph, rural electrification lines, highways, railways and pipelines, and

WHEREAS, topographic maps are essential in planning the operation and management of both state and national agricultural, grazing and forest lands, and

WHEREAS, the inter-departmental advisory council on natural resources has made a study of the uses to be made of topographic maps in Montana and has set up an orderly program for developing the mapping areas of the state according to priorities,

BE IT THEREFORE RESOLVED, by the house of representatives and senate of the State of Montana, that the congress of the United States be respectfully urged and requested to make sufficient funds available to develop topographic maps for the entire state as soon as possible.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted by the secretary of state of Montana to the presiding officers of both houses of the national congress, Richard Nixon and Sam Rayburn, to the chairman of the appropriations committees and committees on interior and insular affairs of both houses of the national congress, and to the regional director of the United States department of the interior-geological survey.

BE IT FURTHER RESOLVED, that the secretary of state of the State of Montana be hereby directed to transmit a certified copy of this memorial to the congress of the United States, to James E. Murray and Mike Mansfield, senators from the State of Montana, and to Lee Metcalf and Orvin Fjare, representatives in congress from the State of Montana.

Approved February 17, 1955.

HOUSE JOINT MEMORIAL NO. 8

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable James E. Murray and the

HeinOnline -- 1955 900 1955

Honorable Mike Mansfield, United States Senators from Montana, to the Honorable Orvin Fjare and the Honorable Lee Metcalf, Congressmen from the State of Montana, Memorializing the Congress of the United States to the Rehabilitation, and Education for the Montana Landless Indians.

WHEREAS, a group of Indians in the State of Montana are descendants of Chief Little Shell's band of Chippewa Indians, who never participated in any permanent allotment of land, and

WHEREAS, this group became known as the "Montana Landless Indians, Inc.," and

WHEREAS, many of these landless Indians reside near and on the outskirts of the various cities of Montana and in many cases live under deplorable conditions, and

WHEREAS, these landless Indians are American Indians for all intents and purposes, and are not subjects of any foreign land and as such are entitled to all rights and benefits that have been extended to other tribes of American Indians, and

WHEREAS, prior to World War II a program of rehabilitation was undertaken but was interrupted by the outbreak of war.

NOW, THEREFORE, BE IT RESOLVED, by the thirty-fourth legislative assembly of Montana of 1955, now in session, the senate and house of representatives concurring, do earnestly request that the congress of the United States resume and initiate an adequate program of recognition, education, and rehabilitation, designed to put the Indians on a self-supporting basis equal to that enjoyed by other citizens.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States.

Approved March 5, 1955.

HOUSE JOINT MEMORIAL NO. 10

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States; to the Honorable James E. Murray and Mike Mansfield, United States Senators from Montana; to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress from the State of Montana; and to the Honorable Douglas McKay, Secretary of the

HeinOnline -- 1955 901 1955

Interior; the Honorable Glenn Emmons, Commissioner of Indian Affairs; the Senate Committee on Interior and Insular Affairs and to the House Committee on Interior and Insular Affairs; Requesting that Congress Authorize Long Term Contracts Between the Bureau of Indian Affairs and the State of Montana Which Would Guarantee Specific Sums of Money to the Local Government Units for Services Rendered on Indian Reservations.

WHEREAS, the congress of United States has been actively legislating to terminate supervision of Indian affairs on reservations in the United States, and

WHEREAS, the bureau of indian affairs has absorbed this philosophy in the administration of Indian affairs and has offered contracts to various state agencies asking them to take over such functions for the bureau of Indian affairs on reservations in the State of Montana such as the extension service, schools, roads, welfare and health, and

WHEREAS, the United States government by treaty and statute is responsible for law and order on Indian reservations but has not effectively administered this responsibility and furthermore has attempted to transfer this responsibility to the counties of Montana frequently without reimbursement, and

WHEREAS, the problems and impacts among Indian people on reservations in areas of health, education, roads and economic conditions, are the result of inconsistent policies of the federal government and have not been created by local Indian communities; and

WHEREAS, the federal government has been striving for years to solve these problems and remove these impacts with only a reasonable degree of success throughout one hundred years of effort and millions of dollars of money, and

WHEREAS, the federal government desires to transfer these responsibilities to the counties and apparently expects the counties to solve these problems within a relatively short period of time and without giving the counties specific assurance of reimbursement over a period of years;

NOW, THEREFORE, BE IT RESOLVED, that the Montana state legislature request congress to enter into long term contracts with the State of Montana which would guarantee to the State of Montana and the local governmental units specific sums of money over a long period of years or to enable them to carry out the government functions now rendered by the federal government so that the

HeinOnline -- 1955 902 1955

State of Montana and local taxpayers will be able to solve and administer these problems, and

BE IT FURTHER RESOLVED, that the secretary of state of the State of Montana transmit this memorial to the various federal governmental officials, agencies and committees referred to in the title of this memorial.

Approved March 5, 1955.

HOUSE JOINT MEMORIAL NO. 11

A Joint Memorial of the House of Representatives and the Senate of the State of Montana to the President of the United States, Dwight D. Eisenhower, to the Congress of the United States, to United States Senators James E. Murray and Mike Mansfield, to Congressmen Lee Metcalf and Orvin B. Fjare, to Honorable Sinclair Weeks, Secretary of Commerce, and to Honorable C. D. Curtiss, Chief of Public Roads Administration, All of Washington, D. C.; Requesting a Reallocation and Increased Strategic Mileage Under the Federal-Aid Highway Act of 1954 to Add U. S. Highway No. 2 to the Interstate System in Accordance With the Needs Existing in 1954.

WHEREAS, U. S. highway No. 2 is the shortest through arterial connecting highway link between Sault St. Marie, Michigan and Seattle, Washington, and runs parallel to the northern border of the United States and intercepts all highway communications with Canada and Alaska in Montana and other boundary states; and

WHEREAS, there has been tremendous growth in the oil, nuclear, mineral and lumbering industries in the western states; and there has been a marked population shift to the west coast; and, there has been great power development by Hungry Horse and other sites, existing and proposed, adding to the industrial potential of the area; and, the Canadian industrial expansion in adjacent Alberta and British Columbia has been remarkable; and, there has been a necessary increase in vital defense needs, all of and to which U. S. highway No. 2 plays an increasingly integral part; and

WHEREAS, the identical arguments in favor of the St. Lawrence seaway are valid for the designation of U. S. highway No. 2 on the federal interstate system; and the advancements made by Canada as an industrial nation, particularly in the provinces of British Columbia and Alberta make U. S. highway No. 2 a strategic commercial highway. In this connection, statistics released by Alberta

HeinOnline -- 1955 903 1955

reflect an industrial expansion of one hundred eighty-three (183%) per cent to the end of 1954, and a scheduled industrial expansion for 1955 in excess of eighty million dollars ($80,000,000.00). In addition, the Alaskan traffic over the Alcan highway and estimated general services' traffic are substantial and U. S. highway No. 2 links the main power projects of the Pacific northwest and the continued expansion and development in that area as typified by the Anaconda Aluminum Company of Columbia Falls, Montana; and

WHEREAS, U. S. highway No. 2 links Atlantic coast shipping through Duluth with the west coast, and supplies the shortest and lowest level route to the west coast; and, since it is impossible to otherwise connect the many areas of oil development with pipeline facilities, much of this traffic will necessarily be made by over-the-road transport; and further, since U. S. highway No. 2 is the only link between our air defense bases along the entire northern boundary of the United States, the number of which and personnel involved are known to congress; and

WHEREAS, under the hourly maximum traffic classifications, the interstate designation of U. S. highway No. 2 to be determined by the bureau of public roads, can be the lowest possible, i. e., interstate rural. According to the specifications set out by the bureau, this would call for a two-lane highway with a one hundred (100) foot right of way and all other minimum specifications. For example, the degree of curvature on flat is five (5) degrees, on rolling is seven (7) degrees, and on mountainous is eleven (11) degrees. This classification would require the lowest possible costs and, for the mileage involved over the entire route, would not materially increase the federal appropriation. The bulk of the appropriation for this project would be improvement on existing conditions and involve a minimum of new construction. Likewise, no special designation is required for areas where U. S. highway No. 2 crosses federal property such as Indian lands and national parks. The total mileage involved in these petitions is two thousand one hundred seventy-eight (2,178) miles connecting points in seven (7) states from Sault St. Marie, Michigan to Everett, Washington (which includes all mileage on federal property); and

WHEREAS, this is the petition of the State of Montana, it contemplates the joining of similar petitions of the six (6) other states involved. Further, if a satisfactory arrangement for mutual recognition can be made with Canada, U. S. highway No. 2 can be linked from east coast to west coast through New York, Vermont, New Hampshire and Maine. The Canadian highways involved are Canadian No. 9 from New York to Montreal and No. 17 from Montreal

HeinOnline -- 1955 904 1955

to Sault St. Marie; and the observation should obtain that the federal program as originally planned in the federal-aid highway act of 1954 is a completion of strategic highways by 1964 to carry the growing traffic burden through the year 1974. The present rate of growth of the areas served by and adjacent to U. S. highway No. 2, if continued through the next ten (10) years, will demand even greater provisions for transportation needs than herein contained; and

WHEREAS, the designation of U. S. highway No. 2 on the federal interstate system is asked for without prejudice to existing interstate highways in the State of Montana and the other states served by U. S. highway No. 2 as some two thousand (2,000) miles remain undesignated for the interstate system.

WE THEREFORE REQUEST that U. S. highway No. 2 be designated as a strategic highway and be made a part of the federal interstate system.

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-fourth legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the congress of the United States of America, through the proper federal agencies, to take immediate action to have U. S. highway No. 2 designated as a strategic highway and be made a part of the federal interstate system.

BE IT FURTHER RESOLVED, that the secretary of state for the State of Montana be, and is hereby directed to transmit a copy of this memorial to those listed in the title of this memorial.

Approved February 26, 1955.

HOUSE JOINT MEMORIAL NO. 12

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators From the State of Montana; to the Honorable Lee Metcalf and the Honorable Orvin Fjare, Representatives to Congress From the State of Montana; to the Honorable Ezra Taft Benson, Secretary of the Department of Agriculture of the United States, Washington, D. C., Urging That Continuation of the Bob Marshall Wilderness Area Within the Flathead and Sun River Drainages in Montana Remain in Its Present Wilderness Status and That Careful Consideration Be Given to an Extension of the

HeinOnline -- 1955 905 1955

Area to the North and Further That the Bob Marshall Wilderness Area Be Placed On a Permanent Status.

WHEREAS, roads have been suggested extending from the ends of existing construction at Spotted Bear ranger station on the south fork of the Flathead river, on up said river to Meadow creek, thence in a westerly direction through the Bunker creek drainage and on across the Swan divide into the Swan valley, as well as up the Spotted Bear river and thence northeasterly up Dean ridge and down Schafer creek to Schafer ranger station on the middle fork of the Flathead river, thence down the middle fork to its intersection with U. S. highway No. 2 south of Glacier park, said proposed roads to open up this previously roadless area, and

WHEREAS, the above-proposed roads would materially affect the present northern boundary of the Bob Marshall wilderness area, said wilderness area having been set aside by the secretary of agriculture in 1940 and representing a consolidation of the older Pentagon-South Fork and Sun river primitive areas, and

WHEREAS, the large remaining roadless region including the present Bob Marshall wilderness area and that portion of the south fork and middle fork of the Flathead drainages proposed for road construction, represents the last large unit of grizzly bear range in Montana lying outside of the national parks, and

WHEREAS, it has been demonstrated that this valuable and rare species of big game rapidly gives way to activities following road construction, and

WHEREAS, large former blocks of grizzly range within the state have recently been penetrated by roads, thus becoming relatively useless as grizzly bear range, and

WHEREAS, the middle fork of the Flathead drainage now represents a valuable link between the natural sanctuary presented by Glacier park and the Bob Marshall wilderness area, and

WHEREAS, destroying this vital section of range would materially affect the restoration and maintenance of this big game species, and the above roads would also materially disrupt the present orderly migration of elk from the Flathead to the Sun river drainage where adequate winter range is available, and such roads would also create undesirable firing line type of big game hunting, and

WHEREAS, easy access made available by such roads would materially lead to the decimation of the Montana black spotted

HeinOnline -- 1955 906 1955

cutthroat trout in the last major drainage basin frequented by this valuable species, and

WHEREAS, in addition to adding to the recreational possibilities now enjoyed by thousands reaching the area by pack and saddle horse, as well as hiking-type travel, the presence of these trout represents an invaluable source of eggs and brood stock for the restoration of this highly desired species throughout the state, and

WHEREAS, the proposed extension of the Bob Marshall wilderness area would materially insure the preservation of all of these values, and

WHEREAS, the status of the Bob Marshall wilderness area is to be considered in 1956, and further

WHEREAS, continued periodic reconsideration develops argumentative hardships on the persons concerned.

BE IT THEREFORE RESOLVED, by the senate and the house of representatives of the State of Montana that the Honorable James E. Murray and the Honorable Mike Mansfield, senators from the State of Montana; and the Honorable Lee Metcalf and the Honorable Orvin Fjare, representatives to congress from the State of Montana; and the Honorable Ezra Taft Benson, Secretary of the department of agriculture of the United States, Washington, D. C., be respectfully urged and requested to retain the present Bob Marshall wilderness area and in addition consider the possibility of adding in wilderness status the Bunker creek drainage on the south fork of the Flathead, the Spotted Bear river drainage above Trail creek, as well as the middle fork of the Flathead drainage above Spruce park and further, the entire area be placed on a permanent wilderness status, giving due consideration to the problem of fire control, the control of forest disease and insect infestations and such problems that may affect the United States forest service in their program for the conservation of natural resources, and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, senators from the State of Montana; and to the Honorable Lee Metcalf and the Honorable Orvin Fjare, representatives to congress from the State of Montana; and to the Honorable Ezra Taft Benson, secretary of the department of agriculture of the United States, Washington, D. C.

HeinOnline -- 1955 907 1955

SEAL

STATE OF MONTANA
OFFICE OF THE GOVERNOR
HELENA

J. Hugo Aronson
Governor

Hon. Sam W. Mitchell
Secretary of State
State Capitol
Helena, Montana

Dear Sir:

I am forwarding to you for filing H. J. M. No. 12 without my approval for the following reasons:

H. J. M. No. 12 would memorialize the congressional delegation to increase the size of wilderness areas in the Flathead area. If such were to happen, some 160,000 acres of commercial timber lands and an annual cut of some ten million board feet of timber would be removed from our state's economy. An estimated 17% of the sustainable annual cut of the Flathead would be lost. This would provide a living for several hundred people and would be detrimental to the state's economy.

The conservation of fish and game is another problem. Many of the sponsors and backers of this memorial are deeply concerned with fish and game problems and in all good faith backed the measure. The fish and game commission likewise is concerned. However, I am informed that the federal agencies involved have already announced a study of the boundary problems and will be considering these matters, at which time the fish and game advocates will be heard.

Thus, I feel it premature to take this stand, and, therefore, am filing H. J. M. No. 12 without my approval.

Yours sincerely,

J. Hugo Aronson
Governor

HOUSE JOINT RESOLUTION NO. 2

A Joint Resolution of the House of Representatives of the State of Montana, the Senate Concurring, Recommending That the Gov-

HeinOnline -- 1955 908 1955

ernor, the Attorney General, the Secretary of State and the Director of the State Historical Society Do Everything in Their Power to Locate the National Rodeo and Cowboy Hall of Fame and Museum in Montana.

WHEREAS, the board of trustees of the national rodeo and cowboy hall of fame and museum is shortly to pick a western state in which to locate its institution; and

WHEREAS, the hall of fame and museum building to be erected by the institution will commemorate the cowboy and the range cattle industry; and

WHEREAS, tremendous interest already exists in Montana in this rich aspect of the west's heritage, which interest is constantly being further developed by the state; and

WHEREAS, Montana is yearly attracting more and more tourists to this region and is cultivating its rich historical heritage in every manner possible,

NOW, THEREFORE, be it resolved that the house of representatives of the thirty-fourth legislative assembly, the senate concurring, urge the governor, the attorney general and the director of the state historical society to recommend as strongly as possible to the board of trustees of the national rodeo and cowboy hall of fame and museum that it locate its institution in Montana.

Approved January 28, 1955.

SENATE JOINT MEMORIAL NO. 2

A Joint Memorial to the Congress of the United States of America, to the Honorable United States Senators James E. Murray and Mike Mansfield, and to the Honorable Representatives in Congress Lee Metcalf and Orvin Fjare, Requesting That the Eighty-fourth Congress Give Favorable Consideration to Legislation to Amend Public Law 280, Passed by the First Session of the Eighty-third Congress, That Such Amending Legislation be Written So That Each Indian Tribe Can Vote by Referendum On the Question of Whether or Not Civil and Criminal Jurisdiction of the State Within Which the Reservation Lies Will Become the Law of the Reservation.

To the Honorable Senate and House of Representatives
of the United States in Congress Assembled:

HeinOnline -- 1955 909 1955

WHEREAS, there was passed and signed into law during the first session of the eighty-third congress an act entitled "public law 280", which provided that the various states shall have jurisdiction over all offenses committed by, or against, Indians in Indian country, and over civil causes of action between Indians, or to which Indians are parties, without requiring consent of the Indians affected; and

WHEREAS, before reluctantly signing said law, President Eisenhower did, in his message on the bill, state that he desired the second session of the eighty-third congress to enact amending legislaiton providing for the consent, by referendum vote of the Indians affected, prior to an assumption of criminal and civil jurisdiction by the states involved; and

WHEREAS, there were six (6) bills introduced in the second session of the eighty-third congress to provide for the necessary requested amendments; and

WHEREAS, the second session of the eighty-third congress failed to enact the requested amending legislation to public law 280.

NOW, THEREFORE, BE IT RESOLVED, that the legislative assembly of the State of Montana does most respectfully urge the eighty-fourth congress of the United States to give favorable consideration to the enactment of legislation amending public law 280, eighty-third congress, so as to provide for a referendum vote of consent of the Indians affected prior to an assumption of criminal and civil jurisdiction by the states involved.

Approved March 2, 1955.

SENATE JOINT MEMORIAL NO. 3

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the President of the United States, Dwight D. Eisenhower, Senator James E. Murray of Montana, Senator Mike Mansfield of Montana, Senator Joseph C. O'Mahoney of Wyoming, Senator Frank Barrett of Wyoming, Congressman Lee Metcalf of Montana, Congressman Orvin Fjare of Montana, the Appropriation Committee of the United States Senate, The Appropriation Committee of the United States House of Representatives, the Committee on Interior and Insular Affairs of the United States Senate, the Committee on Interior and Insular Affairs of the United States House of Representatives, Wilbur A.

HeinOnline -- 1955 910 1955

Dexheimer, Commissioner of the Bureau of Reclamation, Rowland R. Hughes, Director of the Budget, Glenn L. Emmons, Commissioner of Indian Affairs, Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation Authorizing That Sufficient Appropriations Be Provided the Bureau of Reclamation for the Immediate Construction of Yellowtail Dam Located on the Big Horn River in Big Horn County in Southeastern Montana.

WHEREAS, Yellowtail dam site is located in Big Horn county in southeastern Montana, and Yellowtail dam will be constructed across the Big Horn river, about three-fourths of a mile above the mouth of Big Horn canyon, thirty-five miles southwest of Hardin, Montana, and

WHEREAS, Big Horn canyon is the passageway of the Big Horn river between the northern end of the Big Horn mountains and the Pryor mountains. For more than fifty miles Yellowtail dam reservoir will lie within the rugged, inaccessible canyon, the steep walls of which tower hundreds of feet above the narrow and winding river bed, forming a natural damsite of unique splendor that will in future years provide Montana, Wyoming and the nation with one of the greatest lake recreation areas in the western hemisphere, and

WHEREAS, the backed-up waters of Yellowtail dam will flood no presently used or useable land, which alone makes it one of the most desirable and economical of damsites available, and

WHEREAS, the United States bureau of reclamation was authorized by section nine (9) of the flood control act of 1944 as a part of the Missouri river basin project to prepare preliminary surveys and construction of Yellowtail dam, and

WHEREAS, the bureau of reclamation has long since completed pre-construction work at the site of Yellowtail dam and only awaits a congressional appropriation to commence work. Design specifications for the dam and power plant are available for immediate use. Surveys have been completed of the irrigable areas, and transmission lines. Plans are ready for construction of access roads, construction camp, and other essential base work necessary for actual construction to now be undertaken, and

WHEREAS, Yellowtail dam is designed to provide for irrigation, hydro-electric power production, flood control, silt retention, conservation of fish and wild life, recreational development and other related beneficial uses of value to Montana, Wyoming and the nation generally, and

WHEREAS, construction of Yellowtail dam will make possible

HeinOnline -- 1955 911 1955

the irrigation of some forty-five thousand (45,000) acres of new land by gravity flow along the Big Horn river from the Big Horn canyon to approximately ten (10) miles north of the city of Hardin, and supplemental irrigation water will be provided for large areas now inadequately served. Because irrigation of lands along the Big Horn, Powder, and Yellowstone rivers is dependent upon pumping, a source of low-cost power is a prerequisite toward bringing many acres of now unproductive land under the ditch. Construction of Yellowtail power plant will make possible the irrigation of many proposed and desirable projects along these three valuable, but in many instances, little utilized river areas, and

WHEREAS, construction of Yellowtail dam offers a priceless solution for equitable interstate use of the waters of the Big Horn by the creation of the Yellowtail reservoir on the Montana-Wyoming state boundary line, and

WHEREAS, power generating facilities to be constructed at the damsite will have an installed capacity of at least one hundred twenty thousand (120,000) kilowatt hours of electrical energy annually. This power produced at Yellowtail dam will be available for irrigation pumping, and will serve as a part of the bureau of reclamation's power system constructed to provide power for construction of other developments and to supply surplus power to principal load centers to permit its use of old and new industries as well as residence—rural and urban—of the area, and

WHEREAS, fish and wild life resources will gain by the dam, fishing and hunting, as well as the many allied recreational opportunities that will most surely follow will be of immense value to Montana and Wyoming, as well as the nation generally, and

WHEREAS, Yellowtail dam as planned will be a concrete archetype structure, towering some four hundred ninety-nine (499) feet above the river bed, and will have a crest length of one thousand four hundred eight (1,480) feet and will have a storage capacity of one million three hundred sixty-six thousand (1,366,000) acre feet, and

WHEREAS, the construction of Yellowtail dam will attract new industries into southern Montana and northern Wyoming, and thereby be of great benefit to the entire states of Montana and Wyoming, as well as the entire nation by firming up the economy, and by supplying cheap power for industrial and home use, and this post war period is the time to develop such industries,

NOW, THEREFORE, BE IT RESOLVED, by the senate and house of representatives of the State of Montana, that the congress of the

HeinOnline -- 1955 912 1955

United States be respectfully urged and requested to make sufficient funds available for the construction of Yellowtail dam now on the Big Horn river in Big Horn county in southeastern Montana.

BE IT FURTHER RESOLVED, that a copy of this memorial be also submitted by the secretary of state of Montana to the presiding officers of both houses of the national congress—Richard Nixon and Sam Rayburn—, to the chairman of the appropriation committees and committees on interior and insular affairs of both houses of the national congress, to the regional director of the bureau of reclamation, and area director of the Indian bureau, both located in Billings, Montana, and to the governor of the State of Wyoming, and the presiding officers of both houses of the Wyoming legislature.

Approved February 26, 1955.

SENATE JOINT MEMORIAL NO. 4

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States, to the Honorable James E. Murray and Mike Mansfield, United States Senators of Montana, and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress from Montana, and to the Secretary of Agriculture of the United States Requesting "Sugar Act of 1948" Be Continued in Force and the Quota of Domestic Beet Sugar Be Increased.

WHEREAS, under the sugar act of 1948 sugar marketings from domestic areas of the United States and its territories are limited to 4,444,000 tons of a total present national consumption of 8,200,000 tons, and

WHEREAS, these fixed quotas established for our own domestic production have no regard for increases in the population, and

WHEREAS, foreign areas, principally Cuba, have been allotted all of the increase in sugar consumption resulting from population increase, or other factors, which consumption requirement as determined by the U. S. department of agriculture increased from 7,200,000 tons for the calendar year 1948 to 8,200,000 tons for the calendar year 1955, and may be expected to continue to increase at a rate of more than 100,000 tons per year, and

WHEREAS, the domestic producers in Montana and in other states are as a result restricted in their privilege to grow sugar beets and sugar cane as indicated particularly in the determination of pro-

HeinOnline -- 1955 913 1955

portionate shares allotted to Montana sugar beet growers for 1955 crops to a total of only 50,980 acres, which has reduced such acreage permitted to be planted by 8.7% from the acreage actually planted during the preceding year of 1954 and has created hardship on the farmers of Montana,

NOW, THEREFORE, BE IT RESOLVED, by the senate of the State of Montana, the house of representatives concurring, that the "sugar act of 1948" be continued in force but that the quota of domestic beet sugar be increased to the extent it will have a fair and equitable share of the increased consumption and in the additional sugar required to meet the growth of the nation and the needs of its people, and

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the congress of the United States of America, Senator James E. Murray, Senator Mike Mansfield, Congressman Lee Metcalf, Congressman Orvin B. Fjare and to the secretary of agriculture, Washington, D. C.

Approved February 5, 1955.

SENATE SUBSTITUTE FOR SENATE JOINT MEMORIAL NO. 5

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable Dwight D. Eisenhower, President of the United States, the Honorable Sinclair Weeks, Secretary of Commerce, the Honorable C. D. Curtis, Chief of the Public Roads Administration, to the Congress of the United States of America and to the Honorable James E. Murray and Mike Mansfield, United States Senators From Montana, and to the Honorable Lee Metcalf and Orvin Fjare, Representatives in Congress From Montana, and to the Western Association of State Highway Officials, Requesting That the Federal Government Oppose and Reject Any Proposed Change in Apportionment of Federal Aid as Now Provided by Law for the Federal Aid Primary and Secondary Systems, Which Would be Detrimental to the Low Population States.

WHEREAS, the federal aid highway act of 1921 provided for apportionment of federal aid appropriations in the following manner: "One-third in the ratio which the area of each state bears to the total area of all the states; one-third in the ratio which the

HeinOnline -- 1955 914 1955

population bears to the total population of all the states as shown by the last available federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each state bears to the total mileage of rural delivery and star routes in all the states at the close of the next preceding fiscal year, as shown by a certificate of the postmaster general, which he is directed to make and furnish annually to the secretary of agriculture: Provided, that no state shall receive less than one-half of one percentum of each year's allotment." and,

WHEREAS, the federal aid highway act of 1944 provided that funds available to projects on the secondary roads shall be apportioned among the states in the following manner: "One-third in the ratio which the area of each state bears to the total area of all the states; one-third in the ratio which the rural population of each state bears to the total rural population of all states, as shown by the federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each state bears to the total mileage of rural delivery and star routes in all the states: Provided, that no state shall receive less than one-half of one percentum of each year's allotment under subsection (a) and this subsection." and,

WHEREAS, all federal aid highway acts through 1952 have recognized the above formula for apportioning all federal aid except for projects in municipalities and other urban places of five thousand (5,000) or more, and,

WHEREAS, the federal aid highway act of 1954 deviated from the above formula by providing that the sum authorized for projects on the national system of interstate highways be apportioned among the several states in the following manner: One-half in the ratio which the population of each state bears to the total population of all the states, as shown by the latest available federal census: Provided, that no state shall receive less than three-fourths of one percentum of the money so apportioned; and one-half in the manner provided in that portion of the federal aid act of 1921 which is set out above, and,

WHEREAS, the deviation from the long-established and recognized apportionment formula and the placing of additional emphasis on population as an apportionment factor in the allotment of interstate funds under the 1954 federal aid highway act reduced the annual allocation to Montana by over one million one hundred twenty-nine thousand dollars ($1,129,000.00) and such loss adversely affects the welfare of the State of Montana, and,

HeinOnline -- 1955 915 1955

WHEREAS, the possible application of such a formula to federal aid funds for primary and secondary roads would be disastrous to the highway program of the State of Montana, and,

WHEREAS, the governor's interim highway committee has recommended "That opposition be voiced to any change in the method of apportioning federal aid among the states which would be unfavorable to the State of Montana; principally, the adoption of any formula which would place additional emphasis on population as an apportionment factor."

NOW, THEREFORE, BE IT RESOLVED, that the thirty-fourth legislative assembly of the State of Montana, the senate and house concurring, does hereby respectfully request and urge that the federal government oppose and reject any proposed change in apportionment of federal aid, as now provided by law for the federal aid primary and secondary systems, which would be detrimental to the low population states, and,

BE IT FURTHER RESOLVED, that copies of this memorial be sent to the Honorable Dwight D. Eisenhower, president of the United States, the Honorable Sinclair Weeks, secretary of commerce, the Honorable C. D. Curtiss, chief of the bureau of public roads, to the senators and representatives of Montana in congress, to the senate and house of representatives of the congress of the United States, and to the Western Association of State Highway Officials.

Approved February 14, 1955.

SENATE JOINT MEMORIAL NO. 7

A Joint Memorial to the Congress of the United States and to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators From Montana, and to the Honorable Lee Metcalf and the Honorable Orvin B. Fjare, Representatives From Montana, Requesting the Appropriation of Sufficient Federal Funds to be Set Aside as an Emergency Fund for Indian Relief and Welfare of All Kinds to be Used During the Period of Adjustment When the United States Government Shall Withdraw From the Field of Providing Medical, Hospital and Other Welfare and Security Needs of the Ward Indians of the United States.

WHEREAS, the federal government previously has assumed partial responsibility for medical, hospital and other welfare and security needs of ward Indians of the United States, and

HeinOnline -- 1955 916 1955

WHEREAS, it is inevitable that the federal government will ultimately withdraw from this field of support, and

WHEREAS, such withdrawal must necessarily involve financial hardship upon the State of Montana and particularly the counties of Montana wherein large Indian populations are located, on tax-exempt lands,

NOW, THEREFORE, BE IT RESOLVED by the legislative assembly of the State of Montana, the senate and house of representatives concurring, that we respectfully urge the appropriation of sufficient federal funds to be set aside as an emergency fund for Indian relief of all kinds to be used during this period of adjustment, and

BE IT FURTHER RESOLVED, that copies of this memorial be forwarded by the secretary of state of Montana to the senate and house of representatives of the United States congress and to Senators James E. Murray and Mike Mansfield, and to Representatives Lee Metcalf and Orvin B. Fjare.

Approved March 4, 1955.

SENATE JOINT MEMORIAL NO. 8

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable Dwight D. Eisenhower, President of the United States; to the Congress of the United States; to the Honorable Sinclair Weeks, Secretary of Commerce; to the Honorable C. D. Curtiss, Chief of Public Roads Administration; to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators From Montana; to the Honorable Lee Metcalf and the Honorable Orvin Fjare, Congressmen From Montana, Requesting a Re-allocation and Increased Strategic Mileage in the Federal Aid Highway Act of 1944 to Add United States Highway No. 2 to the National System of State Highways.

WHEREAS, the federal aid highway act of 1944, which amended the federal aid road act, approved July 11, 1916, as amended and supplemented, provided that "There shall be designated in the continental United States a national system of interstate highways not exceeding forty thousand (40,000) miles in extent, so located as to connect by routes as direct as practicable the principal metropolitan areas, cities and industrial centers, to serve the national

HeinOnline -- 1955 917 1955

defense and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico", and

WHEREAS, the act further provided that "The routes of the national system of interstate highways shall be selected by joint action of the highway departments of each state and the adjoining states", and in another provision required approval by the federal works administrator, and

WHEREAS, Phillip B. Fleming, major general, U. S. A., administrator of the federal works agencies, caused to be entered a certificate of approval of the national system of interstate highways, dated the second day of August, 1947, which adopted a national system of interstate highways selected by the joint action of the state highway department of each state and adjoining states, as provided by the federal highway act of November 9, 1921, for selection of the federal aid highway system, and which was reviewed by the public roads administration to determine its compliance with the requirements and purposes of the federal aid highway act of 1944, and the system as revised and modified by the public roads administration was approved by the said Phillip B. Fleming, major general, U. S. A., on the aforesaid date, by virtue of the authority vested in him by the said highway act of November 9, 1921, the president's reorganization plan No. 1, effective July 1, 1939, in the federal aid highway act of 1944, and

WHEREAS, the national system of interstate highways selected, modified and revised, as aforesaid, is comprised of routes totaling approximately thirty-seven thousand eight hundred (37,800) miles in extent, and

WHEREAS, there is a balance of two thousand two hundred (2,200) miles within the forty thousand (40,000) mile limit provided in the federal aid highway act of 1944 which can be placed on the interstate system, and

WHEREAS, United States highway No. 2 is the shortest through arterial highway link between Sault Ste. Marie, Michigan and Seattle, Washington, and runs parallel to the northern border of the United States and intercepts all highway communications with Canada and Alaska in the State of Montana and other boundary states, and

WHEREAS, said United States highway No. 2 plays an ever increasing integral and necessary role in the tremendous growth of oil, nuclear, mineral and timber industries, and in the develop-

HeinOnline -- 1955 918 1955

ment of power generated by the Hungry Horse dam and other power sites in the Pacific northwest, and in the expanding industrial development in the western states and in Canada, notably the provinces of Alberta and British Columbia, all of which demands a revision and an increase in our vital defense needs, and

WHEREAS, the said United States highway No. 2, which can without any difficulty be linked from east coast to west coast through the states of New York, Vermont, New Hampshire and Maine and connected with Canada's highways No. 9 from New York to Montreal and No. 17 from Montreal to Sault Ste. Marie, which are of continental importance in the Dominion of Canada, is the only connection between our air defense bases, the number of which and the personnel involved are known only to congress, along the entire northern boundary of the United States, and

WHEREAS, the total mileage involved in this petition is approximately two thousand one hundred seventy-eight (2,178) miles in length and connects at points in seven (7) states from the city of Sault Ste. Marie, Michigan to the city of Everett, Washington, and

WHEREAS, while this is a petition from the State of Montana, it contemplates the joining of similar petitions of the other six (6) states involved; this is especially true in view of the gigantic growth and expansion of the areas served by, contiguous to and adjacent to United States highway No. 2 because such areas, at their present accelerated progress, resulting from a shift in population to the western states and increasing industrial expansion in all areas, demand a revision of the transportation needs, and

WHEREAS, this request that the designation of United States highway No. 2 be placed on the national system of interstate highways is made without prejudice to existing interstate highways in the State of Montana and in the other states served by United States highway No. 2,

NOW, THEREFORE, BE IT RESOLVED, by the thirty-fourth legislative assembly of Montana of 1955, now in session, the senate and house of representatives concurring, do, most earnestly and respectfully, request that the congress of the United States recognize the strategic importance of United States highway No. 2, and through the proper federal agencies take immediate action to have United States highway No. 2 designated as an integral part of the national system of defense highways and that it be placed on the national system of interstate highways.

BE IT FURTHER RESOLVED, that copies of this memorial be

HeinOnline -- 1955 919 1955

transmitted by the secretary of the State of Montana to the Honorable Dwight D. Eisenhower, president of the United States; to the congress of the United States; to the Honorable Sinclair Weeks, secretary of commerce; to the Honorable C. D. Curtiss, chief of public roads administration; to the Honorable James E. Murray and the Honorable Mike Mansfield, United States senators from Montana; to the Honorable Lee Metcalf and the Honorable Orvin Fjare, congressmen from Montana.

Approved February 27, 1955.

SENATE JOINT MEMORIAL NO. 9

A Joint Memorial to the Congress of the United States, the Commissioner of Indian Affairs, the Agencies of the United States Government Involved, Honorable James E. Murray and Honorable Mike Mansfield, Senators From Montana, Honorable Lee Metcalf and Honorable Orvin B. Fjare, Representatives From Montana, Requesting the Government of the United States and the Agencies Thereof Involved to Provide Payments or Grants in Lieu of Taxes on Non-taxable Governmental and Indian Lands in the State of Montana for the Use and Benefit of the Counties of Montana Wherein Such Indian Lands Are Located as Payment for Governmental and Welfare Services Provided to the Indian Population by the State of Montana and the Particular Counties Involved.

WHEREAS, there are presently upon the statutes of the United States of America, various provisions authorizing the government of the United States to contribute to the several states of the United States payments in lieu of taxes, for the benefit of counties wherein other governmental lands are located,

NOW, THEREFORE, BE IT RESOLVED by the thirty-fourth legislative assembly of the State of Montana, the senate and house of representatives concurring, that we respectfully urge and request the government of the United States and the agencies thereof involved, to provide payments or grants in lieu of taxes upon these lands, to the State of Montana for the use and benefit of the counties wherein Indian lands are located, as payment for governmental and welfare services provided to the Indian population in the particular counties involved, and

BE IT FURTHER RESOLVED that copies of this memorial be forwarded by the secretary of State of Montana to the senate and

HeinOnline -- 1955 920 1955

house of representatives of the United States congress, to the commissioner of Indian affairs, to Senators James E. Murray and Mike Mansfield, and to Representatives Lee Metcalf and Orvin B. Fjare.

Approved March 4, 1955.

SENATE JOINT MEMORIAL NO. 10

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States, to the Honorable James E. Murray and Mike Mansfield, United States Senators From Montana, and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress From Montana, and to the Secretary of Agriculture of the United States Requesting the Federal Government to Give Every Consideration to an Emergency Program of Control for Spruce Budworm Infestations of the Forests Which Are in Critical Stages in Montana.

WHEREAS, there are nearly two million acres of fir and spruce timber infested with "spruce budworm" in the State of Montana, of which some 230,000 acres are classified by entomologists as being so heavily infested that the timber is about to die,

WHEREAS, this infestation started in Broadwater county some fifteen (15) years ago and has spread over a wider area each succeeding year, resulting in the death of much timber already, with no relief in sight,

WHEREAS, approximately forty per cent (40%) of this infested acreage is privately owned and fifty-eight per cent (58%) federally owned,

WHEREAS, most of the privately owned infested timber has little commercial value and therefore the owners cannot afford the cost of control on even a partial basis,

WHEREAS, the spruce budworm can only be effectively controlled by spraying during a ten (10) day period usually occurring in June,

WHEREAS, the past emergency measures have not been of the scope large enough to cope with the problem and the infestation is now in critical stages,

WHEREAS, the seriousness of the problem to the state and nation is of great magnitude and further that the watershed, recreation,

HeinOnline -- 1955 921 1955

wildlife, and aesthetic values of large acres in Montana face untold damage if this infestation is not controlled, with resultant loss to municipal watersheds that depend on an even flow of water and to our irrigated farms and to the state's tourist business,

NOW, THEREFORE, BE IT RESOLVED, that the thirty-fourth legislative assembly of the State of Montana, the senate and house of representatives concurring, does hereby respectfully urge congress to consider adequate appropriations for an emergency program of control for spruce budworm infestations of the forests which are in critical stages in Montana.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the congress of the United States of America, Senators James E. Murray and Mike Mansfield, Congressmen Lee Metcalf and Orvin B. Fjare and to the secretary of agriculture, Washington, D. C.

Approved March 5, 1955.

SENATE JOINT MEMORIAL NO. 11

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States, to the Honorable James E. Murray and Mike Mansfield, United States Senators of Montana, and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress From Montana, and to the Secretary of Agriculture of the United States Requesting an Increase in Acreage Allotments for Montana's Premium High Protein Milling Wheat.

WHEREAS, Montana's economy is substantially dependent upon the prosperity of Montana agriculture, and,

WHEREAS, the production of wheat is a major part of Montana's agricultural economy, and,

WHEREAS, the wheat farmers of Montana have practiced to a high degree summer tillage and strip farming, thus taking out of normal annual production several hundred thousand acres of their wheat land, and,

WHEREAS, the production of wheat in Montana has been lowered further by national reductions in acreage, which has been applied uniformly to all grades and type of wheat, and,

HeinOnline -- 1955 922 1955

WHEREAS, of the five million (5,000,000) acres of wheat in Montana in 1953, less than ten percent (10%) was of low milling quality, and,

WHEREAS, there is no surplus of Montana's hard, high protein, premium quality milling wheats.

THEREFORE, BE IT RESOLVED, that the secretary of agriculture be respectfully petitioned to increase the acreage allotments of producers of such premium wheats, and,

BE IT FURTHER RESOLVED, that if legislative action is required to accomplish such increase in acreage allotments, then the congress of the United States is hereby respectfully petitioned to enact the necessary legislation.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of the State of Montana to the congress of the United States of America, Senator James E. Murray, Senator Mike Mansfield, Congressman Lee Metcalf, Congressman Orvin B. Fjare and to the secretary of agriculture, Washington, D. C.

Approved March 2, 1955.

SENATE JOINT MEMORIAL NO. 12

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable Dwight D. Eisenhower, President of the United States; the Honorable James E. Murray and Mike Mansfield, United States Senators From Montana; and to the Honorable Lee Metcalf and Orvin B. Fjare, Representatives in Congress From Montana; the Appropriations Committee of the United States Senate; the Appropriations Committee of the House of Representatives; the Committee of Interior and Insular Affairs of the United States Senate; the Committee of Interior and Insular Affairs of the House of Representatives and Joseph M. Dodge, Director of the Budget, Requesting the Introduction and Early Enactment Into Law the Necessary and Proper Legislation Authorizing Sufficient Appropriations Be Provided the Corps of Army Engineers for Early Construction of the Libby Dam Located On the Kootenai River in Lincoln County in Northwestern Montana.

WHEREAS, Libby dam site is located in Lincoln county in northwestern Montana, and Libby dam will be constructed across the Kootenai river at a point above and near to Libby, Montana, and,

HeinOnline -- 1955 923 1955

WHEREAS, preliminary geological investigation and work has been carefully completed and the findings compiled, and,

WHEREAS, the Libby dam will be designed to provide power, flood control and recreation benefits to Montana and the whole Pacific northwest, and,

WHEREAS, existing industry and potential industrial development in timber, wood pulp and wood products, mining and its attendant products, will be greatly enhanced due to low cost power at site of dam, and,

WHEREAS, the acre feet of reservoir storage is estimated to be six million four hundred eighty-three thousand (6,483,000) acre feet making a total accumulated acre feet of seventeen million six hundred thirty-three thousand (17,633,000) of regulated flow for the Columbia river for firm up-power for further industrial development,

NOW, THEREFORE, BE IT RESOLVED, by the senate and house of representatives of the State of Montana, that the congress of the United States be respectfully urged and requested to make sufficient funds available for the early initiation of construction of Libby dam on the Kootenai river in Lincoln county in northwestern Montana, and,

BE IT FURTHER RESOLVED, that a copy of this memorial be also submitted by the secretary of state of Montana, to the presiding officers of both houses of the national congress, Richard M. Nixon and Sam E. Rayburn; to the chairmen of the appropriations committees; and committees on interior and insular affairs of both houses of the national congress.

Approved February 26, 1955.

SENATE JOINT RESOLUTION NO. 1

A Joint Resolution Declaring an Emergency to Exist Up to and Including March 3, 1955, and Providing for the Compensation and Employment of Additional Help in Addition to the Employees Enumerated in Section 43-212 "Revised Codes of Montana 1947" for the Senate During the Thirty-fourth Legislative Assembly of the State of Montana Pursuant to the Authority Granted by Section 43-313 "Revised Codes of Montana 1947" and Providing That Such Additional Employment and Said Emergency Shall Cease Not Later Than March 3, 1955.

HeinOnline -- 1955 924 1955

BE IT RESOLVED, by the senate of the thirty-fourth legislative assembly of the State of Montana, the house of representatives concurring:

WHEREAS, the need for additional help in the senate has created an emergency, which will terminate not later than March 3, 1955 and 1955 and

WHEREAS, the congested and crowded conditions by unauthorized persons in the south senate corridor of the senate chamber on the third floor of the said assembly, has created an extraordinary condition rendering it necessary for the employment of an additional assistant doorman for the orderly and expeditious conduct of the business of the senate, in addition to those employees authorized and enumerated by section 43-313 "Revised Codes of Montana 1947", up to and including March 3, 1955.

WHEREAS, it shall be the duty of the said assistant doorman so employed to prohibit the passage in the said corridor of all unauthorized persons and to allow only senate and house members and officers and other authorized persons to have access to the said corridor;

NOW THEREFORE, BE IT RESOLVED, by the senate of the thirty-fourth legislative assembly of the State of Montana, the house of representatives concurring, that by virtue of section 43-313 "Revised Codes of Montana 1947", the employment committee of the senate be authorized to employ, during the term of the thirty-fourth legislative assembly, one additional assistant doorman up to and including March 3, 1955, and

BE IT FURTHER RESOLVED, that compensation for mentioned additional doorman shall be paid up to and including March 3, 1955 only as provided by house bill No. 1 of the thirty-fourth legislative assembly.

"WHEREAS, an emergency exists this resolution shall be in full force and effect upon its passage and approval."

Approved January 13, 1955.

HeinOnline -- 1955 925 1955

CHANGES OF NAMES DECREED IN 1953 - 1954

Date of Judgment	Original Name	Name Decreed	Residence
Nov. 27, 1953	Lorraine Robert Alton	Larry Robert Alton	Missoula
Aug. 26, 1953	Ed Beveridge	Edward Edgerton Beveridge	Lewis and Clark Co.
Jan. 21, 1953	John Albert Chamberlain	John Edouard Lord	Great Falls
Feb. 17, 1953	Edward Cyril Cox	Cyril Edward Cox	Yellowstone Co.
Dec. 29, 1953	Arthur Edward Donlan	Michael Arthur Donlan	Missoula
Sept. 16, 1953	Mikel Eugene Evans	Mikel Bruce Evans	Lewis and Clark Co.
Feb. 18, 1953	First Swedish Baptist Church of Great Falls	Grace Baptist Church	Great Falls
Oct. 3, 1953	Ruth B. Fisco	Ruth B. Mittelstadt	Roundup
April 28, 1953	Leonard Frog	Leonard Yellow Robe	Blaine Co.
Sept. 14, 1953	Ralph Edward Glauser	Ralph Edward Dunahoo	Gallatin Co.
Nov. 30, 1953	Allan James Goldstein	James Allan Gordon	Yellowstone Co.
Feb. 13, 1953	Allen LeRoy Hartsock	Allen Leroy Kirwan	Cascade
Feb. 9, 1953	Melvin Herman Hass, Jr.	Melvin Herman von Hess	Yellowstone Co.
May 25, 1953	Edward Ludwig Koschnick	Edward Lewis Olson	Hill Co.
July 17, 1953	Michael Floyd Liming	Michael Floyd Hobe	Missoula
May 25, 1953	James Frederick Link	James Frederick Albright	Miles City
April 28, 1953	Charles Lemery	Charles Jay Lemery	St. Ignatius
Dec. 18, 1953	Lyle Richard May	Lyle Richard Ringeisen	Yellowstone Co.
June 23, 1953	William Paul Morton	Paul William Miller	Ronan
July 28, 1953	Jake Redekop	Jake James Redekop	Lake Co.
June 27, 1953	Richard Earl Roscoe	Richard Earl Roscoe Conway	Missoula
Aug. 24, 1953	William Allen Saffell	William Allen Mann	Yellowstone Co.
Aug. 17, 1953	Leona Sampson, Leona St. Peter Sampson, Leona S. Sampson	Leona S. Froney	Yellowstone Co.
May 9, 1953	Karl David Sessions	Karl David Allen	Missoula
April 7, 1953	Georgie Lee Vennes	Georgia Lee Wilson	Wilsall
May 9, 1953	Edward Wator	Edward Michael Wontor	Missoula
Sept. 10, 1953	Joseph Herbert West	Joseph Herbert Lundberg	Great Falls
Feb. 10, 1953	Joyce Annette Wohllaib	Joyce Annette Wilson	Blaine Co.
Dec. 28, 1954	Joan Iris Berkowitz	Joan Iris Burke	Helena
Dec. 28, 1954	Jill Kathy Berkowitz	Jill Kathy Burke	Helena
Dec. 28, 1954	Lester Berkowitz	Lester Burke	Helena
Dec. 28, 1954	Richard Berkowitz	Richard Burke	Helena
July 13, 1954	Sidner John Burtch	Sidner John Larson	Blaine Co.
Dec. 3, 1954	Rodney Phillip Cooke	Robert Phillip Cooke	Yellowstone Co.
June 23, 1954	Dennis Joseph Dunne	Dennis Joseph Sullivan	Deer Lodge Co.
May 26, 1954	Gerald Wayne Dunne	Gerald Wayne Sullivan	Deer Lodge Co.
May 26, 1954	Helen L. Dunne	Helen L. Sullivan	Deer Lodge Co.
May 26, 1954	James Richard Dunne	James Richard Sullivan	Deer Lodge Co.
May 26, 1954	Jeremiah Francis Dunne	Francis A. Sullivan	Deer Lodge Co.
June 23, 1954	Ursula J. Dunne	Ursula J. Sullivan	Deer Lodge Co.
May 17, 1954	George Raymond Flachmeyer	George Raymond Lund	Kalispell
Feb. 1, 1954	James Warren Fleenor	James Warren Batters	Gallatin Co.
March 13, 1954	David Carl Price Fritz	David Carl Price	Conrad
March 13, 1954	Mary Price Fritz	Mary Price	Conrad
May 22, 1954	Rita Arlene Graziani	Rita Arlene Beinhorn	Helena
April 21, 1954	Barbara Catherine Hoffeditz	Barbara Catherine Miller	Deer Lodge Co.
April 21, 1954	Bonnie Jean Hoffeditz	Bonnie Jean Miller	Deer Lodge Co.
April 21, 1954	Jacalyn Jean Hoffeditz	Jacalyn Jean Miller	Deer Lodge Co.
April 21, 1954	John Thomas Hoffeditz	John Thomas Miller	Deer Lodge Co.
April 21, 1954	Thomas Michael Hoffeditz	Thomas Michael Miller	Deer Lodge Co.
Nov. 3, 1954	Terry Lucille LaFontaine	Terry Lucille Kelly	Lewistown
July 26, 1954	Orene Marie Lomas	Lorene Marie Johnson	Helena
Oct. 22, 1954	Anthony Stanley Lukianchuk	Tony Stanley Lane	Yellowstone Co.
Nov. 1, 1954	Joseph W. Lukianchuk	Joseph W. Lane	Pondera Co.
Oct. 25, 1954	Kreun Mashanovht	Chris Massic	Helena
Feb. 11, 1954	Philip Mountain Bull, Philip Bull Mountain, Philip M. Bull	Philip Beaumont	Big Horn Co.
June 30, 1954	Edgar Eugene Murphy	Eugene Edgard Murphy	Deer Lodge Co.
July 26, 1954	Taylor Mark Radcliffe	T. Mark Radcliffe	Helena
Sept. 29, 1954	Allen Schoenleber	Allen Dudack	Deer Lodge Co.
Aug. 11, 1954	Gayle Evelyn Smith	Gayle Evelyn McCracken	Yellowstone Co.
Sept. 30, 1954	Ernest Floyd Thompson	Ernest Floyd Greig	Kalispell
April 12, 1954	Unity Truth Center of Billings	Unity Church of Truth	Yellowstone Co.
June 8, 1954	Frederick John Urbaczka	Frederick John Urbaska	Yellowstone Co.
June 8, 1954	Jane Lou Urbaczka	Jan Lou Urbaska	Yellowstone Co.
June 8, 1954	Jerri Ann Urbaczka	Jerri Ann Urbaska	Yellowstone Co.
June 8, 1954	John Walter Urbaczka	John Walter Urbaska	Yellowstone Co.
June 8, 1954	Ruth Eleanor Urbaczka	Ruth Eleanor Urbaska	Yellowstone Co.

HeinOnline -- 1955 926 1955

CHANGES OF NAMES DECREED IN 1953 - 1954

Date of Judgment By Naturalization	Original Name	Name Decreed	Residence
Oct. 19, 1953	Willem DeHaan	William DeHaan	Gallatin Co.
Oct. 19, 1953	Alje Dijksterhuis	Al Dyksterhouse	Gallatin Co.
Oct. 19, 1953	Pieterke Dijksterhuis	Pearl Dyksterhouse	Gallatin Co.
Oct. 19, 1953	Derk Flikkema	Dick Flikkema	Gallatin Co.
Oct. 19, 1953	Grietje Flikkema	Grace Flikkema	Gallatin Co.
Oct. 19, 1953	Hendrik Jan Flikkema	Henry John Flikkema	Gallatin Co.
Oct. 19, 1953	Jan Flikkema	John Flikkema	Gallatin Co.
Oct. 19, 1953	Johanna Flikkema	Joanne Flikkema	Gallatin Co.
Oct. 19, 1953	Arthur Koretsugu Hamaji	Arthur K. Hamaji	Gallatin Co.
Oct. 19, 1953	Anje Heidema	Ann Heidema	Gallatin Co.
Oct. 19, 1953	Jan Pieter Heidema	John Peter Heidema	Gallatin Co.
Oct. 19, 1953	Fredrich Schneiter	Fred Schneiter	Gallatin Co.
March 8, 1954	Hendrikje deVries	Henrietta deVries	Gallatin Co.
Oct. 5, 1954	Auke Douma	Alvin Douma	Gallatin Co.
March 8, 1954	Hendrik Douma	Henry Douma	Gallatin Co.
March 8, 1954	Tietje Douma	Tiete Douma	Gallatin Co.
March 8, 1954	Geert DeHaan	George DeHaan	Gallatin Co.
March 8, 1954	Aukje Kimm	Agnes Kimm	Gallatin Co.
Aug. 9, 1954	Jengoro Oiye	Thomas J. Oiye	Gallatin Co.
March 8, 1954	Grietje Schutter	Grace Schutter	Gallatin Co.
March 8, 1954	Jan Niklaas Schutter	John Niklaas Schutter	Gallatin Co.
March 8, 1954	Anje Vissers	Ann Vissers	Gallatin Co.
March 8, 1954	Hermanus Hubertus Vissers	Herman H. Vissers	Gallatin Co.

HeinOnline -- 1955 927 1955

HeinOnline -- 1955 928 1955

APPENDIX

HeinOnline -- 1955 929 1955

HeinOnline -- 1955 930 1955

APPENDIX

The following constitutional amendment and referendum measures adopted by the people at the general election held November 2, 1954, became effective by virtue of the governor's proclamation on December 7th, 1954:

CHAPTER 106

An Act to Submit to the Qualified Electors of the State of Montana, an Amendment to Section 9 of Article VII of the Constitution of the State of Montana, Relating to the Power of the Governor to Grant Pardons, to Remit Fines and Forfeitures, to Grant Commutation of Punishment and Respites After Conviction and Judgment for Any Offenses Committed Against the Criminal Laws of the State; Providing, That Before Granting Pardons, Remitting Fines and Forfeitures or Commuting Punishments, That the Action of the Governor Concerning the Same Shall be Taken Upon the Advice of a Board, or a majority Thereof, Who Shall be Known as the Board of Pardons; and Providing Further That the Legislative Assembly, Shall by Law, Prescribe for the Appointment and Composition of Said Board of Pardons, Its Powers and Duties; and to Regulate the Proceedings Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 9 of article VII of the constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That section 9 of article VII of the constitution of the State of Montana be, and the same is hereby, amended to read as follows:

"Section 9. The governor shall have the power to grant pardons, absolute or conditional, and to remit fines and forfeitures, and to grant commutation of punishments and respites after conviction and judgment for any offenses committed against the criminal laws of the state; provided, however, that before granting pardons, remitting fines and forfeitures, or commuting punishments, the governor shall be advised concerning the same and that such action

HeinOnline -- 1955 931 1955

has been approved by a board, or a majority thereof, who shall be known as the board of pardons. The legislative assembly shall by law prescribe *for the appointment and composition of said board of pardons, its powers and duties; and regulate the proceedings thereof.*"

Section 3. This amendment shall be submitted to the qualified electors at the general election to be held in November 1954, in the manner provided by law, and there shall be printed on such ballot the title of this act, and immediately below the title of this act upon said ballot the following:

"☐ FOR THE ABOVE AMENDMENT."

"☐ AGAINST THE ABOVE AMENDMENT."

The elector shall designate his preference for either of these proposiitons by making an "X" in the square before the proposition for which he desires to vote.

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed, and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation, and said amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Section 5. All acts and parts of acts in conflict with this act are hereby repealed.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1953.

CHAPTER 214

An Act Providing for the Expression by the People of the State of Montana of Their Preference for Party Nominations for President of the United States; Providing for the Election of Delegates and Alternates to National Conventions of Political Parties; Providing for the Method of Holding Presidential Primaries; Amending Section 23-1002 of the Revised Codes of Montana, 1947, Relating to the Method of Selecting Delegates to National Political Conventions; Amending Section 23-1006 of the Revised Codes of Montana, 1947, Relating to the Election of Presidential Delegates and Al-

HeinOnline -- 1955 932 1955

ternates to the National Conventions; Amending Section 23-1007 of the Revised Codes of Montana, 1947, Relating to the Certification of the Election of Delegates to the National Conventions; Amending Section 23-1008 of the Revised Codes of Montana, 1947, Relating to Payment of Convention Expenses; Amending Section 23-902 of the Revised Codes of Montana, 1947, Relating to the Date of Holding Primary Elections; Providing for the Submission of This Act to the Qualified Electors of the State of Montana at the Next General Election; Describing the Form of Ballots to be Used and the Duties of Secretary of State of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of Said State; Providing When This Act Shall Take Effect; and, Providing for Repeal of All Other Acts and Parts of Acts in Conflict Herewith Upon Approval of This Act by Majority of All Votes Cast at the Referendum Election Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be held, on the first Tuesday after the first Monday in June of each year in which a president and vice president of the United States are to be nominated and elected, a presidential primary, at which election the several political parties recognized by the laws of this state shall express their popular choice for the party nomination for the president of the United States and shall select delegates to their national conventions.

Section 2. Before January 2nd of each year in which primary elections are to be held under the provisions of this act the chairman of the state central committee of each political party shall notify the secretary of state as to the total number of delegates to which the state will be entitled at the next national convention of said political party.

Section 3. (1) Delegates to the national conventions of each political party shall consist of delegates from congressional districts and delegates at large, to be selected in the manner hereinafter provided and to be allocated as follows:

(a) Three (3) delegates shall be selected by the electors in each congressional district.

(b) The remaining delegates, to complete the number to which the state will be entitled at the national convention of the party, shall be selected as delegates at large at the statewide primary.

(2) Alternates for each delegate shall be selected as hereinafter provided.

HeinOnline -- 1955 933 1955

(3) Each delegate and alternate from a congressional district shall be a resident of that district, and each delegate and alternate delegate at large shall be a resident of the state.

Section 4. Any person who is a candidate for the nomination of his party for president of the United States may, beginning seventy-five (75) days prior to said June election and not later than sixty (60) days prior to said election, file with the secretary of state an affidavit of candidacy, requesting that his name be entered on the presidential primary ballot of his party. He shall include in the affidavit the following:

(1) The name of his party.

(2) The names of the delegates to the national convention whom he desires to represent him for the delegate positions referred to in section 3.

The candidate, at the time of filing his affidavit of candidacy, shall pay to the secretary of state a fee of twenty-five dollars ($25.00).

Section 5. (1) Beginning sixty (60) days prior to said June election and not later than forty (40) days prior to said election, there may be placed on the ballot, by petition filed with the secretary of state, the name of any person as a candidate for the nomination for the presidency of the United States; provided, however, the candidate whose endorsement is desired shall be a member of a party that received not less than five per cent (5%) of the total number of votes cast at the next preceding presidential election.

(2) The said petition may consist of one (1) or more writings and shall include the following information:

(a) The name of the candidate whose endorsement is desired and the name of the political party on whose ballot the name is to be entered.

(b) A complete list of delegates for the positions referred to in section 3; said list shall specify the names of the delegates who are to represent each congressional district and the names of the delegates who are to represent the state at large.

(c) A statement that the filing is made in good faith and for the purpose of advancing the candidacy of the person whose name is filed.

(d) At the time of filing such petition, the person filing same

HeinOnline -- 1955 934 1955

shall pay to the secretary of state a fee of twenty-five dollars ($25.00).

(3) The said petition shall contain signatures of electors not less in number than one per cent (1%) of the number of votes cast at the next preceding presidential election. After the signature of each elector there shall be written his post office address and the congressional district in which he resides.

Section 6. Only one (1) filing under sections 4 and 5 for any one (1) candidate may be accepted, and only the first filing made in accordance with the requirements of this act by or for the candidate shall be recognized and the name of the candidate contained therein shall be placed on the ballot, together with the names of the delegates set out in such filing papers. Each filing under sections 4 and 5 must name the full number of delegates referred to in section 3. Consent of the individual to have his name filed as candidate for president shall not be required.

Section 7. There shall be attached to each filing made under section 4 or section 5 of this act affidavits signed by each proposed delegate named in the filing papers, and each affidavit shall contain the following information:

(1) The residence and post office address of the delegate.

(2) A statement that he is a qualified elector.

(3) A statement that he will not withdraw his name before the presidential primary.

(4) A statement that he is affiliated with the political party whose nomination the candidate seeks, and that he intends to vote at the ensuing election for the nominee for president of that political party.

(5) A pledge in the following form:

"I pledge myself that if I am selected at the presidential primary as a delegate to the ..... national party convention, as a delegate pledged to the candidacy of . . . . . (insert here the name of the candidate for whose candidacy the delegate has been filed) as a candidate for the nomination of the said party for president, that I will, until released by said candidate, vote for his candidacy on the first ballot of the said party convention and vote for his candidacy on all ensuing ballots, provided, however, that if on any ballot said candidate shall receive less than twenty per cent (20%) of the total vote cast on such ballot, I am released from this

HeinOnline -- 1955 935 1955

pledge and shall thereafter have the right to cast my ballot according to my own judgment."

Section 8. (1) Immediately after the last date for filing, as provided for herein, the secretary of state shall prepare ballots for use in the election. The ballots shall be printed on separate paper, and separate ballots shall be printed for each political party for whose endorsement a filing has been made. A separate ballot shall be prepared for each party, to be used in each congressional district, and there shall be included thereon the name of each candidate who has filed an affidavit of candidacy or for whom a petition has been filed, together with the names of the delegates at large and the names of the three (3) delegates from the respective congressional districts, provided, however, that if on or before April 30th there is filed with the secretary of state an affidavit of any person filed as a candidate under the provisions of section 5 hereof stating that he is not a candidate for the nomination of president for the party for which he has been filed and that if nominated by such party he will not accept, then the name of such person and the delegates pledged to his candidacy shall not be included in the ballot of that party and the filing fee shall be returned to the person who paid same to the secretary of state.

(2) The ballot shall be in such form so that the names of candidates for president for whom delegates are to be elected shall appear at the top of their respective columns with the words "Candidate for President" appearing immediately below their names, and immediately below, and above each candidate column shall be placed a circle, so that the voter may mark a cross or other mark therein and vote for the entire slate of delegates under such name. The order of such presidential candidates and their respective columns shall be from left to right as determined by the order that filings were made by or on behalf of said candidates, and there shall be no rotation of names on ballots. Voting for individual delegate candidates shall not be permitted. A voter may write in, in an appropriate column at the extreme right of the ballot to be so prepared, the name of his candidate for president and names of his candidates for delegates, provided, however, that the total number of delegates and their respective residency shall conform to the provisions of section 3.

(3) The ballot shall be in substantially the following form:

HeinOnline -- 1955 936 1955

OFFICIAL BALLOT
ELECTION OF DELEGATES TO NATIONAL CONVENTION

.....Party
(Designation of Party)

Each voter is entitled to vote for.....delegates at large and for.....district delegates to the party national convention.

To vote for an entire slate of delegates at large and district delegates committed to the same presidential candidate, make a cross or other mark in the circle (O) at the head of the column under the name of the presidential candidate.

You may write in the name of a candidate for president in the appropriate column, but you must also write in names of an entire slate of delegates for that candidate.

FOR DELEGATES AT LARGE.....
NATIONAL CONVENTION

Vote for One

O	O	O	O
JOHN DOE	JOHN DOE	JOHN DOE	.....
Candidate for President	Candidate for President	Candidate for President	Candidate for President
JOHN DOE	JOHN DOE	JOHN DOE	.....
JOHN DOE	JOHN DOE	JOHN DOE	.....

FOR.....CONGRESSIONAL DISTRICT DELEGATES
TO.....NATIONAL CONVENTION

JOHN DOE	JOHN DOE	JOHN DOE	.....
JOHN DOE	JOHN DOE	JOHN DOE	.....
JOHN DOE	JOHN DOE	JOHN DOE	.....

(4) At said election each elector may cast one (1) vote for the candidate of his choice. The votes shall be tallied for each congressional district. The candidate who receives a plurality of votes in each congressional district will be declared to be the endorsed candidate of that district, and the three (3) delegates whose names appear on his ballot from that district shall be declared to be the duly authorized and selected delegates of the party from that district to the party's national convention. All ballots shall further be tallied state-wide, and the candidate who receives a plurality statewide of all votes cast by his party shall be declared to be the en-

HeinOnline -- 1955 937 1955

dorsed state-wide candidate; and the delegates at large whose names appear on his ballot shall be the duly authorized and selected delegates at large to the party's national convention.

(5) Except as otherwise provided in this act, the presidential primary election shall be held, conducted and canvassed in the same manner as is now provided by law for primary nominating elections and in accordance with the general election laws of the state, insofar as the same are applicable, provided, however, that nothing contained in this act shall alter or amend the existing primary nominating election laws or the general election laws except as herein specifically provided.

Section 9. The secretary of state shall issue to each delegate selected at the presidential primary a certificate of appointment.

Section 10. Alternates to delegates from congressional districts and alternates to delegates at large shall be named by convention as is provided hereinafter. In selecting alternates, the convention shall specify the name of the selected delegate for whom each alternate is named. Alternates so named shall file an affidavit as provided in section 7 with the secretary of state within five (5) days after their respective appointments by the convention.

Section 11. Nothing contained in this act shall be construed to limit the right of any party state convention to take any action not in conflict with this act.

Section 12. Section 23-902 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"23-902 (632) DATE OF HOLDING PRIMARY ELECTION — PURPOSE OF. On the *first Tuesday after the first Monday of June* preceding any general election (not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in congress, and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen, at the ensuing election wholly by electors within this state, or any subdivision of this state, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law."

HeinOnline -- 1955 938 1955

Section 13. Section 23-1002 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"23-1002. (673.2) EXCLUSIVE METHOD OF SELECTING PRESIDENTIAL ELECTORS AND *ALTERNATE* DELEGATES TO NATIONAL POLITICAL CONVENTIONS — COMMITTEEMEN AND CHAIRMEN. All political parties in Montana shall hereafter nominate their presidential electors and elect their *alternate* delegates to national conventions in the manner provided by this act. It shall be the duty of each political party to select in each county in the state in such manner as is now provided by law, or by the rules of the party in case the law does not so provide, a precinct committeeman for each election precinct, a county chairman in each county and a state chairman."

Section 14. Section 23-1006 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"23-1006. (673.6) TIME OF STATE CONVENTION — ELECTION OF PRESIDENTIAL ELECTORS AND *ALTERNATE* DELEGATES TO NATIONAL CONVENTION. Not later than fifteen (15) days after said county convention, and on a date set by the chairman of the state central committee the delegates (or alternate delegates in case any elected delegates can not attend) shall hold a state convention at the seat of government for the purpose of electing *alternate delegates* to the national convention of the party, and presidential electors."

Section 15. Section 23-1007 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"23-1007. (673.7) CONDUCT OF STATE CONVENTION. Said state convention shall be conducted in accordance with the party rules, subject, however, to the following requirements:

"The chairman of the state central committee shall call the state convention and shall publish the call at least once in a newspaper published at the seat of the government. Said call shall be published not less than ten (10) days nor more than two (2) weeks before the date of the convention and a copy of the call shall be mailed to the county chairman in each county. The chairman of the state central committee shall preside over the convention and, together with a secretary chosen by the convention, shall sign certificates of election, which shall, be delivered as credentials to the several persons elected by the convention as *alternate* delegates to the national convention of said party, and certificates of nomination for presidential electors for said party which shall be filed with the secretary of state. Only

HeinOnline -- 1955 939 1955

regularly elected delegates or alternates shall be entitled to sit in said convention or participate in its proceedings and no proxies shall be recognized by the convention. In case of the absence of a member or members of the delegation elected from any county the delegates present for said county shall be entitled to cast a number of votes equal to the number of delegates elected to the convention from said county."

Section 16. Section 23-1008 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"23-1008. (673.8) PAYMENT OF CONVENTION EXPENSES. The entire expense of conducting the county and state conventions herein provided for shall be defrayed by the several political parties."

Section 17. There shall be a referendum upon this act and the secretary of state of the State of Montana is hereby required, and it is made his duty, to submit this act to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1954 in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto. The title and number of this referendum act shall be printed upon the official ballot used at said election. Irrespective of the provisions of section 37-105, Revised Codes of Montana, 1947, such title shall read as follows:

"An act providing for the expression by the people of the State of Montana of their preference for party nominations for president of the United States; providing for the election of delegates and alternates to national conventions of political parties; providing for the method of holding presidential primaries; amending section 23-1002 of the Revised Codes of Montana, 1947, relating to the method of selecting delegates to national political conventions; amending section 23-1006 of the Revised Codes of Montana, 1947, relating to the election of presidential delegates and alternates to the national conventions; amending section 23-1007 of the Revised Codes of Montana, 1947, relating to the certification of the election of delegates to the national conventions; amending section 23-1008 of the Revised Codes of Montana, 1947, relating to payment of convention expenses; amending section 23-902 of the Revised Codes of Montana, 1947, relating to the date of holding primary elections; providing for the submission of this act to the qualified electors of the State of Montana at the next general election; describing the form of ballots to be used and the duties of secretary of state of the State of Montana relative to the submission of said act to the

HeinOnline -- 1955 940 1955

qualified electors of said state; providing when this act shall take effect; and, providing for repeal of all other acts and parts of acts in conflict herewith upon approval of this act by majority of all votes cast at the referendum election herein provided."

Below the said title of the act on said ballot, there shall be printed the words and squares:

☐ FOR THE PRESIDENTIAL PRIMARY LAW

☐ AGAINST THE PRESIDENTIAL PRIMARY LAW

Each qualified elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Section 18. The vote upon this referendum act shall be counted and canvassed as is provided by law, and if a majority of all votes cast at such election for and against such referendum act shall be in favor of this act, the governor of the State of Montana shall immediately so declare by public proclamation.

Section 19. If any part or parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act.

Section 20. All acts and parts of acts in conflict herewith are hereby repealed.

Section 21. This act shall be in full force and effect from and after its passage by this legislative assembly, approval by a majority vote of the qualified electors and proclamation of the governor thereafter.

Approved March 5, 1953.

CHAPTER 246

An Act to Authorize the State of Montana to Become Indebted for the Sum of Two Million Dollars ($2,000,000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and For Which the State of Montana Is Now Obligated for the Construction and Equipment of Necessary Buildings and Other Permanent Improvements for the Montana State Hospital for the Insane at Warm Springs, Montana; Providing for the Issuance

HeinOnline -- 1955 941 1955

of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds and Providing for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon; and Providing for a Referendum of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the state board of examiners of the State of Montana is hereby authorized and empowered to issue bonds in the name of the State of Montana, in an amount not exceeding two million dollars ($2,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing and equipping necessary buildings and other permanent improvements for the Montana State Hospital for the insane at Warm Springs, Montana.

Section 2. Such bonds shall be issued from time to time by the state board of examiners at such times and in such amounts as may appear to said state board of examiners of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the construction and equipment of necessary buildings and other permanent improvements for the Montana state hospital for the insane.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations, shall be dated, shall mature serially over a period of not to exceed twenty (20) years from the date thereof, and shall bear interest at a rate or rates not exceeding four percent (4%) per annum, payable semiannually, as may be determined by the state board of examiners; provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the board of examiners shall so fix the interest payment dates that the interest thereon will become due and payable on the same dates as the interest on the first bonds shall become due and payable, and in order so to do the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series. Said bonds may be made redeemable before maturity, at the option of the state board of examiners, at such price or prices and upon such terms and conditions as may be fixed by the state board of examiners prior to the issuance of said bonds.

The bonds provided for in this act shall be payable as to both

HeinOnline -- 1955 942 1955

principal and interest at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof at the office of the fiscal agent of the State of Montana in the borough of Manhattan, city and state of New York, and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. The coupons representing interest on said bonds shall be executed with the facsimile signatures of the members of the state board of examiners.

Section 4. The state board of examiners shall prescribe the form of said bonds, and the bonds of each series shall bear upon their face the words, "Montana state hospital for the insane bonds of the State of Montana" with a letter or figure to designate the series thereof, and shall be registered in the office of the state treasurer. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell said bonds as provided for in this act in such manner as they shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of five (5) years from and after the approval of this act as the said state board of examiners shall from time to time determine necessary for the purposes herein provided. No bond provided for herein shall be disposed of for less than its par value.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction and equipment of necessary buildings and other permanent improvements for the Montana state hospital for the insane. Such moneys shall be expended only for the purposes herein expressly provided for and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Section 6. There shall be levied annually upon all property in the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due and to pay the principal of said bonds as such principal becomes due, said levy, however, not to exceed one (1) mill per annum until the indebtedness herein provided for shall have been fully paid and discharged. The tax when collected by the county treasurers of the several counties of the state shall be by them accounted to and paid into the state treasury of the State of Montana, and by the state treasurer placed in the "Montana state hospital for the insane

HeinOnline -- 1955 943 1955

bond interest and redemption fund", which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Section 7. There shall be a referendum on this act and the secretary of state is hereby required, and it is made his duty, to submit this measure in accordance with the provisions of the constitution and the laws of the State of Montana applicable thereto to the people of the state for their approval or rejection at the general election to be held in November, 1954. The official ballot used in said election shall have printed thereon the title of this act and below the same shall be printed the words:

☐ FOR THE BOND ISSUE FOR THE MONTANA STATE HOSPITAL FOR THE INSANE

☐ AGAINST THE BOND ISSUE FOR THE MONTANA STATE HOSPITAL FOR THE INSANE

Each qualified elector shall designate his preference by marking an "X" in the square opposite the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed, determined and declared in the manner provided by the general election laws of the state.

Section 8. The cost of the bonds issued under this act and all fees, commissions, and the compensation of the architect or architects employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Section 9. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

CHAPTER 248

An Act to Authorize the State of Montana to Become Indebted for the Sum of One Million Five Hundred Thousand Dollars ($1,500,-

HeinOnline -- 1955 944 1955

000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana is Now Obligated, for the Construction and Equipment of Necessary Buildings and Other Permanent Improvements and the Acquisition of Necessary Grounds Therefor for the Montana State Training School at Boulder, Montana, and the Acquisition of Farm Lands to Be Used in Connection Therewith and for the Support Thereof; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds and Providing for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon; and Providing for a Referendum of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the state board of examiners of the State of Montana is hereby authorized and empowered to issue bonds in the name of the State of Montana, in an amount not exceeding one million five hundred thousand dollars ($1,500,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing and equipping necessary buildings and other permanent improvements and for acquiring necessary grounds therefor, for the Montana state training school at Boulder, Montana, and for acquiring of such farm lands as may be necessary to be used in connection therewith and for the support thereof.

Section 2. Such bonds shall be issued from time to time by the state board of examiners, upon the request of the state board of education which shall first determine the necessity therefor, at such times and in such amounts as may appear to said state board of examiners of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the construction and equipment of necessary buildings and other permanent improvements and the acquisition of necessary grounds therefor for the Montana state training school at Boulder, Montana, and for acquiring of such farm lands as may be necessary to be used in connection therewith and for the support thereof.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations, shall be dated, shall mature serially over a period of not to exceed twenty (20) years from the date

HeinOnline -- 1955 945 1955

thereof, and shall bear interest at a rate or rates not exceeding four per cent (4%) per annum, payable semiannually, as may be determined by the state board of examiners; provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the state board of examiners shall so fix the interest payment dates that the interest thereon will become due and payable on the same dates as the interest on the first bonds shall become due and payable, and in order so to do the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series. Said bonds may be made redeemable before maturity, at the option of the state board of examiners, at such price or prices and upon such terms and conditions as may be fixed by the state board of examiners prior to the issuance of said bonds.

The bonds provided for in this act shall be payable as to both principal and interest at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof at the office of the fiscal agent of the State of Montana in the borough of Manhattan, city and state of New York, and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. The coupons representing interest on said bonds shall be executed with the facsimile signatures of the members of the state board of examiners.

Section 4. The state board of examiners shall prescribe the form of said bonds, and the bonds of each series shall bear upon their face the words: "Montana state training school bonds of the State of Montana", with a letter or figure to designate the series thereof, and shall be registered in the office of the state treasurer. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell said bonds as provided for in this act in such manner as they shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of five (5) years from and after the approval of this act as the said state board of examiners shall from time to time determine necessary for the purposes herein provided. No bond provided for herein shall be disposed of for less than its par value.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction and equipment of necessary buildings and other permanent improvements and the acquisition of necessary grounds therefor for the Montana state training school and for the acquiring of farm lands used in connec-

HeinOnline -- 1955 946 1955

tion therewith and for the support thereof. Such moneys shall be expended only for the purposes herein expressly provided for and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Section 6. There shall be levied annually upon all property in the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due and to pay the principal of said bonds as such principal becomes due, said levy, however, not to exceed one (1) mill per annum until the indebtedness herein provided for shall have been fully paid and discharged. The tax when collected by the county treasurers of the several counties of the state shall be by them accounted to and paid into the state treasury of the State of Montana, and by the state treasurer placed in the "Montana state training school bond interest and redemption fund," which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Section 7. There shall be a referendum on this act and the secretary of state is hereby required, and it is made his duty to submit this measure in accordance with the provisions of the constitution and the laws of the State of Montana applicable thereto to the people of the state for their approval or rejection at the general election to be held in November, 1954. The official ballot used in said election shall have printed thereon the title of this act and below the same shall be printed the words:

☐ FOR THE BOND ISSUE FOR MONTANA STATE TRAINING SCHOOL

☐ AGAINST THE BOND ISSUE FOR MONTANA STATE TRAINING SCHOOL

Each qualified elector shall designate his preference by marking an "X" in the square opposite the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed, determined and declared in the manner provided by the general election laws of the state.

Section 8. The cost of the bonds issued under this act, fees and all commissions, and the compensation of the architect or architects employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

HeinOnline -- 1955 947 1955

Section 9. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1953.

HeinOnline -- 1955 948 1955

GENERAL INDEX

NOTE:

Index of Appropriations Follows General Index

HeinOnline -- 1955 949 1955

HeinOnline -- 1955 950 1955

INDEX TO TEXT

A

	Sec.	Page
ABSENT VOTERS		
Military service, application for ballot	1	307
School bond elections	1	448
ADJUTANT GENERAL		
Rank raised when	1	50
Term and assistant	1	50
ADOPTION		
Consent of parent or parents required	1	458
Consent, when not required	1	458
Petition for adoption		
notice of hearing	(5)	460
service of process on parent	(5)	460
service by publication	(b)	460
ADVERTISING MONTANA'S RESOURCES		
Use of highway funds	1	141
AGRICULTURAL COLLEGE MORRILL FUND		
Use of for purchase of farm sites	1	554
ALCOHOLICS		
Maintenance at State Hospital		
charges	1	259
financial condition of patient	2	259
APPROPRIATIONS		
For appropriations acts, See "Index to Appropriations" following this General Index.		
ARMED FORCES		
See "Military Service."		
ARMORIES		
Adjutant general authorized to contract for	3	382
Construction		
cities and towns to pay part of expense	1	120
counties may build	1	120
Contracts subject to board of examiners	4	383
Cooperation with federal act	3	382
Gifts, acceptance of	5	383
Limitation on state contributions	6	383
Montana Armory Board, acts relating to repealed	7	383
Title to remain in state	4	382
ATTORNEY GENERAL		
Condemnation of lands in Lewis and Clark County	3	764
Salary	1	517
State contracts, representation of State	6	276

HeinOnline -- 1955 951 1955

INDEX

	Sec.	Page
AUCTIONS		
License		
application for	4	225
bond of auctioneer	5	226
cities and towns may license also	11	229
fees	6	227
livestock and farm produce excepted	10	228
notice to county assessor	(e)	225
notice to state board of equalization	(e)	225
penalties for violation	9	228
report of sale to county treasurer	8	228
AUDITOR, STATE		
Salary	1	517
AUTOMOBILES		
See "Motor Vehicles."		
AVIATION		
Airline companies, taxation		
apportionment of assessment to counties	7	558
assessment of flight property	2	556
board to determine value	4	557
board to keep records	8	558
definitions	1	555
failure to file statement, penalty	6	558
hearing before board	5	557
reports by companies, contents	3	556
reports, extension of time	10	558
Gasoline, exemption from tax	Ch.. 17	34
Gasoline tax refund, exemption certificate	(8)	468

B

BANKS AND BANKING		
Common trust funds, power to establish	1	112
Holidays and Saturdays, closing	1	461
Saturdays		
business on succeeding day legal	1	250
by-laws, amending for legal closing	2	521
closing permitted	1	250
interest paid as on Saturday	3	251
notice of closing required	2	251
BEER		
Retail licenses		
determined by population	1	98
five-mile limit how measured	1	99
lapse and cancellation of license	(3)	100
licenses issued prior to this act	1	99
off-premise consumption license	(2)	100
outside city or town, discretion of Board	(b)	100
power of cities and towns to restrict	1	99
power of Control Board to deny	1	99
seasonal licenses	(3)	100
veterans and fraternal organizations	1	99
Retailers		
cash sales required	(c)	93
Fixtures not to be supplied, exceptions	1	92
lending money to, forbidden	(b)	92

HeinOnline -- 1955 952 1955

	Sec.	Page
BILLS OF EXCEPTIONS		
Certification, filing	1	139
Compensation, cases, record part of judgment roll	1	139
Supreme Court, appeals to	1	139
BLIND PERSONS		
Vocational rehabilitation	Ch. 167	375
BOARDS, STATE		
See "State Boards."		
BOATS		
Life-saving equipment required	1	277
BONDS		
Validating Act of 1955	1	11
BONDS, SURETY		
Receivers, trustees, executors et al.		
limitation on cost	1	409
recoverable as suit costs	1	409
BRIDGES		
Allocation of funds by highway commission	1	214
BUILDING AND LOAN ASSOCIATIONS		
Special examinations	1	134
BUSSES		
See "Schools" and "Cities and Towns."		

C

	Sec.	Page
CAPITOL BUILDING		
Architect, employment of	2	762
Bids, call for	3	762
Bonds for repairs		
amount of bonds authorized	4	3
architect and engineer, employment	1	3
bids, call for	3	3
interest rate, term, conditions	5	3
payable from land grant fund	7	4
sale and registry	6	4
state capitol repair fund created	8	4
Bonds for reconstructing and renovating		
board of examiners authorized to issue	1	762
capitol building fund created	8	763
limitation on amount of bond issue	4	762
payable from capitol land grant fund	7	763
term of bonds, manner of sale	5	762
Laboratory building		
air conditioning, bonds for	1	764
board of health laboratory, bonds for	1	764
rock excavation, bonds for	1	764
Purchase of land in Lewis and Clark County		
bonds authorized	1	764
eminent domain authorized	3	764

HeinOnline -- 1955 953 1955

CAPITOL BUILDING (Continued)	Sec.	Page
limitation on amount of bonds	4	764
term and manner of sale	5	765
payable from capitol land grant fund	7	765
special fund created	8	766
Roll call voting machine for legislature	1	762
CARNIVALS		
Motor vehicles license fee	1	400
CEMETERY DISTRICTS		
Excess expenditures		
not liability of district	1	9
validation of previous warrants	2	9
validated warrants, how paid	3	10
Permanent care fund		
administration	1	368
sale of lots, transfer of funds	8	371
secretary	14	373
segregation and use of fund	11	372
trustees, annual report	15	373
trustees, appointment and duties	2	368
trustees bond	4	369
trustees, compensation	13	373
trustees, vacancies how filled	5	370
CHARITABLE ORGANIZATIONS		
Bequests by will, who may take	1	392
CHILD WELFARE ADVISORY COMMITTEE		
Appointment	1	256
Compensation	3	257
Membership	2	257
Organization, term and report	4	257
CHILDREN		
Adoption	Ch. 208	458
Comic books, obscene books or pictures		
gift or sale prohibited, penalty	1	473
Compulsory attendance in school	1	95
Employment at sixteen or under	1	95
Handicapped children		
census and files	1	278
education of	Ch. 206	451
Homes, bequests by will, who may take	1	392
Liquor, identification cards for minors	1	215
CHIROPRACTIC		
Educational qualifications to practice, fees	1	400
CITIES AND TOWNS		
Abandoned townsites, vacation of plats	1	51
Access highways		
acquisition of property for	6	209
driving regulations, penalties for violations	10	210
highway authorities, powers	• 4	208
highway commission, resolution by	3	208
intersections and grade crossings	7	209

HeinOnline -- 1955 954 1955

CITIES AND TOWN (Continued)	Sec.	Page
local service roads and streets	8	210
right of way allowed	6	209
signs to make controlled streets and roads	9	210
Annexation of parcels of land	1	34
Appraisal of lots for taxation		
appeals of aggrieved property owner	5	439
assessments based on county appraisal	3	439
duty of county commissioners	1	439
time limit for classifying	4	439
uniform method, duty of State Board	6	439
Armories, construction authorized	Ch. 168	381
Armories, pro rata expense of constructing	1	120
Auctions, licenses	11	229
Beer licenses	1	99
Bequests by will, who may take	1	392
Bonds, city		
publication of notice of sale of	1	64
published notice to state land board	1	65
Bus lines		
levy of tax, election required when	3	465
operation by contract	3	464
Commission-manager form		
who authorized to convey land	1	97
Elections		
general election dispensed with when	1	126
nominating petitions, time for filing	1	43
voting places, how regulated	1	32
Fires, non-liability for failure to report	1	76
Firemen, qualifications	1	54
Improvement districts		
assessment may be doubled on what property	1	65
bonds and warrants, form of	1	5
bonds and warrants, rate of interest	1	7
bonds and warrants, redemption and term	1	7
grading, owner may perform	(4)	67
resolution of intention, description of work	1	121
street railways, assessment for cost of repairs	(2)	66
U. S. property, omission from assessment	(3)	67
Indebtedness for public works		
sewerage or water supply, additional indebtedness	(2)	59
Mayor or city manager to execute conveyances	1	97
Mosquito control districts	1	493
Motor vehicle fees		
percentage received	(a)	73
use of city road fund	(b)	73
See also "Motor vehicles."		
Officers salaries		
attorney	3	386
clerk	4	387
mayor	1	385
treasurer	2	386
Parcels of land, annexation	1	34
Parking lots		
commission created	2	254
election to issue bonds	3	255

HeinOnline -- 1955 955 1955

CITIES AND TOWN (Continued)	Sec.	Page
lease or operation of project	3	255
Plats, vacation of	1	51
Policemen, discharge or suspension	1	122
Policemen, widow's pension, minor children	1	398
Retail liquor licenses	1	101
Taxes or licenses paid under protest See also "Taxation."	1	449
Sewer or water systems		
bonds, additional or refunding	2	193
bonds, interest rate, term	2	191
bonds, payments are lien on net income	2	192
charges, how determined	1	190
charges and rates, basis for	3	194
discontinuance of service, when	1	191
election to build	1	190
electors, qualifications	1	191
income, accounts, investment, cash balance	4	195
indebtedness for	1	59
Water to industries and persons outside city limits	1	12
CITIZENSHIP		
Governor's power to restore	1	140
CIVIL RIGHTS		
Discrimination prohibited	1	526
COAL AND LIGNITE		
Experiment project established, appropriation	2	403
COMIC BOOKS		
Gift or sale to minor prohibited	1	473
Obscene books or pictures	1	473
Penalty	2	473
CONSTITUTIONAL AMENDMENT, ADOPTED		
Pardons, State Board created		931
CONSTITUTIONAL AMENDMENT TO BE SUBMITTED		
Anti-diversion of highway fuel and users' taxes	1	524
CONTRACTS, STATE		
Actions against State, time limitation	2	275
Attorney general to represent State	6	276
Incompleted contracts, fiscal year	2	137
Liability of State	4	276
CONTRACTORS		
Preference to Montana labor	1	56
Prevailing wage defined	1	56
CONTROLLER, STATE		
Fiscal year, time limit on claims	1	223
Budget requests for state departments	1	323
Incompleted contracts, fiscal year	2	137
Member of State Insurance Commission	1	420

HeinOnline -- 1955 956 1955

INDEX

	Sec.	Page
COOPERATIVE ASSOCIATIONS		
Articles of incorporation	1	748
Articles of incorporation, amendments, fee	3	750
Assignment of stock	5	751
By-laws, scope of	4	750
By-laws may be amended	4	751
Certificates of incorporation, fee	3	749
Directors and officers	4	750
First meeting	2	749
CORPORATIONS		
Articles of incorporation, amending		
majority vote required	1	30
proceedings, filing of certificate of	1	31
Bequests by will, who may take	1	392
Meeting, representation of voting stock	1	28
Stock transfer books may be closed when	(2)	29
CORPORATIONS, FOREIGN		
Change of address of office or resident agent	1	296
Doing business, requirements		
articles of incorporation	1	427
statement to be verified by certain officers	1	427
COSMETOLOGY		
Establishments, license	1	44
Manager-operators, fees	3	45
Teachers or managers, inactive license, fee	3	45
Teachers and schools license fees	3	45
COUNTIES		
Access highways		
acquisition of property for	6	209
driving regulations, penalties for violations	10	210
highway authorities, powers	4	208
highway commission, resolution by	3	208
intersections and grade crossings	7	209
local service roads and streets	8	210
right of way allowed	6	209
signs to mark controlled streets and roads	9	210
Accident cases		
medical aid and hospitalization for transients	1	104
reimbursement by department of public welfare	1	104
Armories, construction authorized	Ch. 168	381
Armories, pro rata expense of construction	1	120
Auctions, duties concerning	Ch. 111	224
Bequests by will, who may take	1	392
Cattle, assessment of	1	25
Cemetery districts		
budget and tax levy	1	9
excess expenditures not liability of district	1	9
validation of previous warrant	2	9
validated warrants, how paid	3	10
Cemetery districts, permanent care	Ch. 165	367

HeinOnline -- 1955 957 1955

COUNTIES (Continued)	Sec.	Page
Clerks and recorders		
fees	1	445
photographic processes	1	446
Commissioners, compensation and mileage	1	134
Elections, time for filing nominating petitions See also "Elections."	1	43
Emergency expenditures		
election, when	(5)	299
limitation on budgets	(4)	301
warrants, procedure	(6)	302
Fairs, appropriation and tax levy	1	266
Fire fighting equipment	(5)	70
Geophysical exploration		
duties of clerk and recorder; county attorney	Ch. 235	510
Improvement districts		
assessment may be doubled on what property	1	65
bonds and warrants, form, interest, redemption, term	1	5
grading, owner may perform	(4)	67
resolution of intention, reference to		
for description of work	1	121
street railways, assessment for repairs to streets	(2)	66
street railways, liability for repairs to streets	(2)	66
U. S. property, omission from assessment	(3)	67
Mosquito control districts	1	493
Motor vehicles fees, use of See also "Motor vehicles."	(c)	74
Insane persons, committment costs, how paid	1	128
Noxious weed fund, proceeds from work or sales	1	111
Plats in abandoned townsites, vacation of	1	51
Poor fund, additional levy	1	124
Recreation centers, tax levy	1	83
Roads, livestock passes may be removed when	1	57
Roads, secondary		
contracts with highway commission	1	156
contracts with federal or state authorities	12	222
federal aid, procedure	12	222
Sheriffs, employment of cooks or matrons	1	183
Stenographers, salaries	1	127
Taxation, classification of property		
appeals of aggrieved property owner	5	439
lands classified according to use	6	439
levy of tax by counties	2	438
time for classifying	4	439
uniform method, duty of State Board	6	439
Taxation, personal property taxes, collection	1	374
Taxation, personal property, sheriff's duty	1	374
Taxation, personal property, treasurer's duty	1	374
Tax levy 1955-1957	1	120
Taxes or licenses paid under protest	1	449
Tax sales receipts		
apportioned on current year's levy	1	294
royalty receipts to general fund	1	294
Water commissioners, term	1	119
Zoning districts, size of	1	499

HeinOnline -- 1955 958 1955

	Sec.	Page
CREDIT UNIONS		
Examinations by state examiner, fee	1	273
Examinations, special, fee	1	274
Reserve fund		
ratio to be maintained	1	415
special reserves required when	1	415
Unsound condition, duty of State Examiner	1	305
CROP DUSTING		
Liens, time for filing	2	114

D

DISCRIMINATION		
Prohibited in public places	1	526
DISTRICT COURTS		
Judges, salaries	1	553
Stenographers, salaries	1	127
DOWER		
Widow's election not to take, when	1	501
DRUGS, Uniform Act		
Administration transferred to State Board of Pharmacy	Ch. 7	13
Narcotics		
definitions	1	15
hospitals, application for seized drugs	6	20
manufacture or production, license	2	16
records of drugs received and dispensed	5	18
sale on written or oral prescription	4	17
unlawful possession, forfeiture and disposal	6	20

E

ELECTIONS		
Absent voters		
military service, application for ballot	1	307
school bond elections	1	448
Cities and towns		
general election dispensed with, when	1	126
voting places, how regulated	1	32
Nominating petitions, time for filing	1	43
Notaries and justice of the peace,		
deputy registrars' fees	1	131
Political activity prohibited,		
fish and game employees	1	46
Polls, hours to be open	1	456
Transfer of registration within county	2	132
ELECTIONS, PRIMARY		
Adoption of Presidential Primary law		932
Convention expenses, mileage	7	720

HeinOnline -- 1955 959 1955

ELECTIONS, PRIMARY (Continued)	Sec.	Page
County central committee, appointment by state committee	3	717
County conventions, participants	(6)	718
County and city central committeemen or women	3	716
Date of holding	1	713
Delegates and alternates to state convention	(7)	718
Delegates and alternates to national convention	(7)	718
Officers to be chosen	1	713
Party nominations, regulation of	2	714
Polls, hours, certain precincts excepted	1	457
Precinct committeeman or woman	4	719
Presidential preference, procedures	2	714
State convention, conduct of	6	719
State convention, time and place of holding	5	719
Support of presidential candidate by delegates	5	719
ELEEMOSYNARY INSTITUTIONS		
Bequests by will, who may take by	1	392
EPILEPSY		
Driver's license refused when	1	108
Duties of local and state boards of health	1	107
Medical examinations and case reports	1	107
Physicians duty to report	1	107
Report to highway patrol board	1	107
ESTATES AND PROBATE PROCEEDINGS		
Guardians		
leasing or mortgaging real property	1	492
oil and gas leases	1	492
right of way, granting of	1	492
Mortgages on estate property		
purposes for which mortgage may be made	1	110
Widow's may elect, share in husband's estate	1	501
EXECUTORS AND ADMINISTRATORS		
Bonds		
limitation on cost	1	409
recoverable as suit costs	1	409
EWY, MARLOWE		
Claim against state authorized	1	753
appropriation	2	754
EXPLORATION, GEOPHYSICAL		
See "Geophysical Exploration"	Ch. 235	510
EXPLOSIVES		
Use in geophysical exploration	6	513
Use to kill fish, forbidden	1	232
Vehicles hauling, flares	149	587
Vehicles, markings and fire extinguishers	150	687
Vehicles, stop at railroad crossings	90	656

HeinOnline -- 1955 960 1955

F

FAIRS, COUNTY		
Appropriation and tax levy	1	266
FINE ARTS COMMISSION		
Creation, membership, duties	Ch. 96	186
FIRES		
Reporting, non-liability for failure to report	1	76
FIRE FIGHTING		
Appropriation by counties for equipment	(5)	70
See also "Forest Fires."		
FIREMEN		
Qualifications	1	54
FIRE WARDENS		
Appointment, ex-officio wardens	1	299
FISH AND GAME		
Abandonment of carcass unlawful	1	326
Aliens, laws relating to repealed	1	410
Army and employees of U. S. services deemed residents	3	725
Bear, grizzly, exceptions concerning	1	326
Beaver		
closed and open season	1	263
destruction of house	1	264
Bow and arrow deer season	1	324
Bow and arrow, license	1	722
Closed season, hunting and fishing	1	326
Costs of prosecutions, law repealed	1	410
Deer seasons and areas		
bow and arrow hunting	1	324
shotguns, use of	1	324
special licenses to control numbers	1	325
special licenses to control property damage	1	325
Deputy wardens		
civilians, law repealed	2	233
federal agents, ex-officio wardens	1	233
officers who are ex-officio wardens	1	233
Director		
appointment, qualifications, duties	1	130
deputy director, appointment	1	129
Employees		
political activity prohibited	1	46
rating and salaries	1	304
removal by director	1	304
Explosives or poison, use forbidden	1	232
Free transportation of persons or property, law repealed	1	410
Fur-bearing animals		
beaver	1	263
closed and open season	1	263
destruction of muskrat or beaver house	1	264
trapping and tagging	1	264
Game animals, special license for control of number	1	324
Game animals, special license for big game	(8)	723
Georgetown lake, hours of fishing, law repealed	1	410

HeinOnline -- 1955 961 1955

FISH AND GAME (Continued)	Sec.	Page
Grand juries, judges, sheriffs, etc., law repealed	1	410
Hunters, carelessness or failure to give aid	1	147
Lake county fish, disposal of, law repealed	1	410
Licenses		
alteration or transfer	1	303
classification and fees	1	722
forefiture for violations	1	327
one license each 10 years on certain game	2	724
one special license per year	2	724
resident defined	3	725
resident big game license, fee	1	722
special licenses for big game	(8)	723
special license, qualification of applicant	2	724
tagging of carcasses	(3)	725
trappers license	(9)	723
Migratory game birds		
regulations by U. S. departments	1	231
violations, penalty	1	231
Non-residents		
certain licenses repealed	1	410
licenses	1	722
special licenses for deer and antelope	1	387
One animal per person per season	1	326
Outfitters		
effective date of act	7	490
license, application for	1	487
license fee	1	488
qualifications	1	477
reciprocity, residential requirements	1	488
records to be kept	4	489
revocation of license or other penalties	5	489
shooting or fishing forbidden	1	488
surety bond required	1	488
violations, liability of outfitter and employees	3	489
Property damage by game animals, special license to kill	1	324
Prosecuting officials, duties, law repealed	1	410
Removal of head, hide, antlers, teeth	1	326
Sale or possession lawful when	1	298
Shipping permits	1	234
Shotguns, use in hunting deer	1	324
Unlawful hunting or fishing		
aircraft, hunting or shooting from, prohibited	2	430
bear, use of dogs to hunt; inspection of traps	5	430
deer, shooting with shotguns restricted	4	430
dogs, use of in hunting	5	430
rifles for bird hunting, prohibited	1	429
salmon eggs, possession unlawful	8	431
shotguns for deer hunting restricted	4	430
silencers forbidden	3	430
sockeye salmon, snagging	7	431
vehicles, shooting from prohibited	1	429
Unlawful sale or possession of fish and game	1	298
Violations, penalties	1	327
Warden, change of name to "Director"	1	64

HeinOnline -- 1955 962 1955

FISH AND GAME (Continued)	Sec.	Page
Wardens		
appointment, qualifications, duties	1	129
deputies	1	233
Waste of meat unlawful	1	326
FOOD AND DRUGS		
Conformity with federal law	4	242
Dealers not to be prosecuted when	1	238
Enforcement of act by state board of health	2	239
Inspections and prosecutions by board	(3)	241
Personnel, employment by board	(5)	241
Reports of analyst, certification of	3	242
Rules and regulations, conformity with federal law	1	240
FOREST LANDS		
Fire protection		
owner to pay cost when State provides protection	1	416
powers of state forester	1	485
Fire protection districts	1	481
Fire season, extension of	1	481
Fire wardens, appointment	1	299
Injury to trees, disposition of fines	1	485
Sawdust		
dumping into streams	1	140
sawdust piles, size and burning of	1	486
Slashings, disposal of	1	499
Timber, permits for commercial use or fuel	1	482
FORESTER, STATE		
Appointment, qualifications, term, salary	1	52
Duties relating to state forests	1	483
Fire protection, emergencies	1	485
Scaling, records to be kept	1	484
Timber sales	1	484
FRATERNAL ORGANIZATIONS		
Beer licenses	1	99
Liquor licenses	1	102
Wills, may take bequests by	1	392

G

GASOLINE		
See "Oil and Gas."		
GEOPHYSICAL EXPLORATION		
Deemed doing business; agent for service of process	2	511
Explosives, damage to property	6	513
Explosives, record and report	6	513
Filing of notice of intention with county clerk	3	511
Permit, contents, term, fee	5	512
Surety bond	4	512

HeinOnline -- 1955 963 1955

	Sec.	Page
GIFTS BY WILL		
Who may take by	1	392
GOVERNOR, STATE OF MONTANA		
Citizenship, power to restore	1	140
Pardons, power to grant		931
Salary	1	517
GOVERNOR'S MANSION		
Architect, employment of	2	759
Bonds for building and furnishing		
board of examiners authorized to issue	1	759
governor's quarters construction fund	8	761
limitation on amount of bonds	4	759
payable from capitol land grant fund	7	760
term and manner of sale	5	759
Call for bids	3	759
GRASS CONSERVATION COMMISSION		
Creation, membership, terms	1	589
Distribution of grazing preferences	3	590
Injunctive relief preserved	(13)	595
Permit required to run livestock at large, penalty	4	591
Secretary, salary	2	590
Trespassing livestock, seizure by district	(2)	592
Trespassing livestock, taking from impoundment	(10)	595
GUARDIAN AND WARD		
Leasing or mortgaging real property	1	492
Oil or gas lease	1	492
Right of way, granting of	1	492

H

HANDICAPPED CHILDREN		
Census and files	1	278
Education of	Ch. 206	451
HEALTH, STATE BOARD OF		
See "State Board of Health."		
HIGHWAYS AND HIGHWAY COMMISSION		
Access highways		
acquisition of property for	6	209
driving regulations, penalties for violations	10	210
highway authorities, powers	4	208
highway commission, resolution by, required	3	208
intersections and grade crossings	7	209
local service roads and streets	8	210
right of way allowed	6	209
signs to mark controlled streets and roads	9	210
Advertising Montana's resources, use of highway funds	1	141
Bridges, allocation of funds for	1	214
Contracts and labor	1	156

HeinOnline -- 1955 964 1955

HIGHWAYS AND HIGHWAY COMMISSION (Continued)	Sec.	Page
County commissioners		
contracts with federal or state authorities	12	222
general powers and duties	1	222
Fact-finding committee		
appropriation	8	200
commercial vehicles, additional fees	8	200
compensation	7	200
creation, membership	2	196
executive director and personnel	3	197
Montana council, cooperation, membership, powers and duties	10	201
motor vehicle tax and Oregon system, study of	4	198
organization, time for	3	197
report to next legislature	6	200
Funds, anti-diversion (Constitutional Amendment to be submitted)	1	524
Highway construction, study of	1	33
Highway fund, credited with money from special fuel tax	11	346
Inspection of motor vehicles by employees	1	324
Livestock passes my be removed when	1	57
Montana Council		
cooperation with Fact-finding committee	11	201
membership	10	201
powers and duties	11	201
Non-residents, trucks, trailers, temporary permits	1	399
Non-residents, trucks, trailers, payment of fees	1	143
See also "Motor vehicles."		
Outside of state, state maintenance of roads	1	54
Secondary roads		
contracts with counties	1	156
federal aid, contracts with counties	12	222
Wayside camps, parks and historical sites	1	84
Weights on highway construction, study of	1	33
HIGHWAY PATROL		
Captains and sergeants		
designation by board	1	727
probationary training	1	728
recommendation for appointment	1	728
salaries	1	727
suspension or demotion, causes for	1	729
Funds, transfer of		801
Patrolmen		
chosen according to district	1	727
equipment and uniforms	1	56
probationary patrolmen, salary	1	728
qualifications	1	728
salaries	1	727
suspension or demotion, causes for	1	729
Retirement		
army service, optional credits	13	537
compulsory retirement allowance	9	535
contributions by members	5	534
contributions by state	6	535
death benefits, accidental	11	536
death benefits, natural causes	12	536
death after retirement, optional allowance	14	537

HeinOnline -- 1955 965 1955

HIGHWAY PATROL (Continued)	Sec.	Page
definitions	1	532
dormant accounts, transfer to pension fund	14	538
involuntary retirement allowance	8	535
refunds on resignation or discharge	10	536
retirement board, creation, membership, term	2	533
retirement board, powers, rules and regulations	3	534
service allowance, army service allowed	4	534
voluntary retirement	7	535
HISTORICAL SITES OR MUSEUMS		
Bequests by will, who may take	1	392
Power of highway commission to acquire	1	85
HOLIDAYS		
Banks		
legal holidays enumerated	1	461
Saturdays, closing	1	461
Saturdays, closing	1	250
Legal holidays in State	1	461
HOSPITALS		
Bequests by will, who may take	1	392
Hospital district trustees		
by-laws and appointment of clerk	1	189
election and term	1	188
moneys paid out how	2	189
nominating petitions	1	188
Hospital survey and construction		
administration of state board of health	2	475
consolidated application of two or more counties	10	479
construction fund	9	479
construction program	5	477
construction projects, applications	8	478
definitions	1	474
diagnostic centers	(h)	475
minimum standards	7	478
non-profit medical facility	(f)	475
nursing homes	(h)	475
state plan to be submitted to surgeon general	6	477
state and federal cooperation	11	480
Hospital for Insane, See "State Hospital for Insane."		
HOUSING, VETERANS		
Emergency extended	Ch. 9	22

I

ICE BOXES		
Abandoning with latched doors	1	253
IMPROVEMENT DISTRICTS		
Assessment may be doubled on what property	1	65
Bonds and warrants		
form of	1	5
rate of interest	1	7
redemption and term of	1	7
Grading, owner may perform	(4)	67

HeinOnline -- 1955 966 1955

IMPROVEMENT DISTRICTS (Continued)	Sec.	Page
Resolution of intention		
reference to for description of work	1	121
Street railways		
assessment for cost of repairs to streets	(2)	66
liability for cost of repairs to streets	(2)	66
U. S. property, omission from assessment	(3)	67
INCOME TAX		
Adjusted gross income defined	1	610
Alternative deductions in computing net income	3	610
Application for revision or refund, time of	1	105
Application for review, time limitation	1	106
Change of residence status, effect of	9	615
Deductions in computing net income	2	610
Estimated tax		
declaration	12	617
installment payments	13	618
persons excepted from making	12	617
Failure to make return or pay tax, penalty	1	347
Federal tax return, copy may be required	11	616
Fiduciaries, returns by	6	612
Five-year limit for correcting returns	1	205
Fraudulent returns, no time limit for review	1	206
Information agents' duties to report	7	615
Non-residents adjusted gross income	3	610
Non-residents, deductions in computing net income	3	610
Partnership income	5	611
Persons required to make returns	8	615
Trusts or estates, tax	6	612
INCOME TAX WITHHOLDING		
Definitions	1	545
Employer to withhold tax, rate	2	547
Employer liable for deductions	4	549
Employer not liable to employee	6	549
Employer, duty to pay tax to board	10	551
Employer, quarterly returns by	5	549
Employer, report to state board	9	550
Estimate of quarterly wages	3	548
Exemptions to conform to federal return	3	547
Exemptions table	3	548
Fund, deposits in, and unexpended balance	12	552
Penalties for evasion	13	552
Refunds and future credits	11	551
Rules and regulations, power of board	14	553
Statements to employee	7	550
Warrants, time limit on	12	552
INDUSTRIAL ACCIDENT BOARD		
Appeals from decision of board		
bills of exceptions and judgment roll	1	139

HeinOnline -- 1955 967 1955

	Sec.	Page
INHERITANCE TAX		
Interest determinable by death, how regarded	1	202
Transfer made in contemplation of death	1	732
INITIATIVE AND REFERENDUM		
Board of Pardons created by Constitutional Amendment		931
Presidential primaries law adopted by people		932
State Hospital for Insane, building bond issue		941
State Training School, building bond issue		945
INSANE HOSPITAL, STATE		
See "State Hospital for Insane."		
INSANE PERSONS		
Commitment to State Hospital		
commitment costs, how paid	1	128
financial report of patient and relatives	1	88
maintenance charged	1	90
reports to superintendent of state hospital	1	89
voluntary commitment, charges for care	1	258
Transfer to veterans institutions	1	48
INSURANCE		
Deviations		
application for	2	219
hearing	(b)	219
time limit for	(b)	220
Fire portion of premiums, reports by companies	1	46
State Commission, controller and treasurer added	1	402
State-owned property. waiver of sovereign immunity required	1	126
INTERIM COMMISSIONS		
Child Welfare Advisory Committee	Ch. 28	256
Fact-finding Committee on Highways	Ch. 99	196
Montana Council for Highway Research	Ch. 99	196
Reorganization of State Government and Tax Study	Ch. 265	710
Water Pollution Council	Ch. 142	280
IRRIGATION DISTRICTS		
Amount owed, general obligation of district	1	135
Special tax authorized	1	135

J

	Sec.	Page
JUDGES		
District judges, salaries	1	553
Nominating petitions, time for filing	1	43
Supreme Court, salaries	1	517
JUDGMENT ROLL		
Compensation cases	1	139
JUDICIAL DISTRICTS		
Number of judges, 13th district	1	42

HeinOnline -- 1955 968 1955

	Sec.	Page
JUSTICES OF THE PEACE		
Deputy registrars, fees	1	131
Proceedings upon plea of guilty or conviction	1	91

L

LABOR		
Children, employment at age of 16	2	96
Preference to veterans on public works	1	243
Preference to Montana labor, wages	1	56
LABORATORY BUILDING, STATE		
Bonds authorized		
air conditioning	1	764
board of health laboratory, equipment	1	764
rock excavation	1	764
Name of building	1	494
LANDS, STATE		
See "State Lands."		
LAW LIBRARY		
Librarian and assistant, salaries	1	451
LEGISLATIVE ASSEMBLY		
Members, compensation and mileage	1	47
President of Senate and Speaker, compensation	2	48
Roll call voting machine	1	762
LEGISLATIVE ASSEMBLY, 34TH		
Compensation of officers and employees	1	1
Stenographic chairs, appropriation		779
LEWIS AND CLARK COUNTY		
Purchase of land by State, bonds for	1	764
LICENSES		
Payment of fees under protest	1	437
Payment of licenses or taxes under protest	1	449
LIFE-SAVING EQUIPMENT		
Required on boats	1	277
LIQUOR CONTROL		
Beer		
retail licenses	1	98
retailers	1	92
Minors, identification card	1	215
Permits, individual and special	1	229
Retail licenses		
board's discretion outside city limits	(b)	103
board's power to restrict	(a)	103
cities or towns may not restrict	1	102
determined on basis of population	1	101
existing licenses protected	1	102
five-mile distance how measured	1	102
lapse of license for non-use	(2)	103
seasonal licenses excepted	(2)	103
veterans and fraternal organizations	1	102

HeinOnline -- 1955 969 1955

LIQUOR CONTROL (Continued)	Sec.	Page
Retail licenses, suspension or refusal to renew		
notice to licensee	1	117
proceedings in district court	1	118
rights of licensee	1	118
supreme court, appeals to	1	118
LIVESTOCK		
Assessable cattle, levy of tax	1	25
Livestock protective committee		
recommendations of tax	1	25
M		
MACHINERY		
Moving on public highway, number plates and fee	1	407
MEENS, RICHARD		
Salary allowed		779
MEMORIALS AND RESOLUTIONS		
House Joint Memorials		
Bob Marshall wilderness area		905
Charles M. Russell, commemorative stamp		896
Designation of U. S. highway No. 2 as strategic highway and part of federal interstate highway system		903
Irrigation canal seepage, mosquito control and land development		895
Landless Indians, rehabilitation and education		900
Long and short haul clause of interstate commerce act		898
Long term contracts between state and Bureau of Indian Affairs		901
Moorhead dam, allocation of funds for completion		897
Topographic maps for state of Montana		899
House Joint Resolutions		
Cowboy hall of fame and museum, location of		908
Senate Joint Memorials		
Apportionment of federal highway aid		914
Designation of U. S. highway No. 2 as strategic highway and part of federal interstate highway system		917
Emergency fund for Indian relief and welfare		916
Government lands in Montana, grants in lieu of taxes		920
Libby dam on Kootenai river		923
Referendum vote by Indian tribes prior to assumption of criminal and civil jurisdiction by states		909
Spruce budworm infestations, control of		921
"Sugar Act of 1948," increase in domestic sugar quota		913
Wheat allotments, increase in acreage		922
Yellowtail dam in Big Horn county		910
Senate Joint Resolutions		
Thirty-fourth legislative assembly, additional help		924
MILITARY SERVICE		
Absent voters, application for ballot	1	307
Driver's license, duration of	1	184
Fish and game licenses	3	725
P. E. R. S.	4	169
Soldiers Home, admission requirements	1	321
Veterinary medicine, practice of	5	150

HeinOnline -- 1955 970 1955

	Sec.	Page
MINORS		
Adoption	Ch. 208	458
Comic books, obscene books or pictures	1	473
Compulsory attendance in school	1	95
Employment at sixteen or under	1	95
Handicapped children		
census and files	1	278
education of	Ch. 206	451
Homes, bequests by will, who may take	1	392
Liquor, identification cards	1	215
MONTANA		
See "State of Montana."		
MOSQUITO CONTROL DISTRICTS		
Petition, hearing, notice, area	1	493
MOTOR CARRIERS		
Change of rates, procedure	1	621
Fees excepted from anti-diversion amendment	2	524
Hearing before railroad commission		
applications, time for	1	205
findings, orders or decisions, time for issuing	1	205
matters to be considered	1	203
no hearing necessary when	1	204
notice to be served	1	203
reasons for findings to be filed	1	204
Stop at railway crossings	90	656
MOTOR VEHICLES		
Accidents, medical aid for transients	1	104
Anti-diversion of highway funds		
constitutional amendment to be submitted	1	524
motor carriers fees excepted	1	524
Assessment, date of	(5)	584
Assessment, date of	2	587
Assessment of vehicles in dealer's stock		
applicant for registration not to pay property tax	(7)	585
date of assessment	(5)	585
dealer to file description of each vehicle in stock	(2)	588
dealers' vehicles assessed as merchandise	(5)	584
original applicant to pay sales tax	(6)	585
Carnivals, license fees of vehicles	1	400
Collectors' items, registration fee and plates of antiques	1	248
Diesel fuel tax	1	462
Drivers license		
epileptics refused when	1	109
licenses refused to what persons	1	108
military service, duration of license	1	184
persons exempt	1	184
Fleets, proportional registration	(9)	585
Foreign vehicles used for hire		
certificate of registration receipts	1	291
reciprocity board, creation, powers and duties	2	292
Gross weight fees		
auto stages or busses, fee	1	599
excess weight fees	1	598

HeinOnline -- 1955 971 1955

MOTOR VEHICLES (Continued)	Sec.	Page
livestock, logs, ready-mix concrete and poles	1	598
low-boy trailers	1	598
quarterly fees, additional period	1	599
quarterly license, penalty for non-renewal	1	599
trailers other than house trailers, schedule	1	597
trucks and truck tractors, schedule of fees	1	596
Inspections by highway patrol and employees	1	324
License funds, anti-diversion (Const. Amendt.)	1	524
Mobile equipment and machinery		
identification plates and fee	1	407
publicly-owned equipment and farm machinery	1	407
Moving vehicle, single trip, fee	1	406
Non-residents		
one-half year license	1	397
trucks, trailers, etc., payment of fees	1	143
trucks, trailers, etc., temporary permits	1	399
Number plates		
application in quintuplet, use of copies	1	440
county numbers	(5)	542
dealers license, application	2	543
dealers plates	(2)	541
dealers, plates, number of sets, lettering	2	543
dealers plates, uses prohibited, penalty	2	543
series and distinctive lettering	1	540
size, color, lettering, tabs, stickers	(2)	541
tax-exempt vehicles	(3)	541
replacing, fee	1	47
trucks and trailers	(4)	542
treasurer to issue	1	440
One-half year license	1	397
Reciprocity board, creation, powers and duties	2	292
Registration certificates		
applications in quintuplet, use of copies	1	440
certificate of ownership	1	441
certificate of registration to be carried	1	443
passenger cars not to carry certificate	1	443
registrar to re-check application	1	442
trailers, numbers to be supplied by registrar	1	443
two copies of application to owner	1	441
Registration fees		
dealers	1	71
dealers, transfer of certificate	(c)	74
distribution to cities	(a)	73
distribution to counties	(c)	74
motor vehicles and motorcycles	1	72
six months registration fee	(c)	74
tractors, trucks, trailers and semi-trailers	1	72
Registration renewal		
certificates of ownership, period of validity	1	539
certificate and number plates substituted by sticker	1	539
grace period for operation of vehicle	1	539
transfer of ownership, procedure, fee, stickers	1	539
Single trip	1	406
Standards of size, weight and speed		
axle loads, table	(b)	561
busses, width of busses and highways	1	559
farm implements, flagmen escorts	1	559

HeinOnline -- 1955 972 1955

MOTOR VEHICLES (Continued)	Sec.	Page
multiple unit combinations	(c)	560
special permits	(f)	563
speed, minimum and maximum	(4)	560
towing	(d)	560
width, height and length	1	559
Special permits for excess size and weight		
application, contents	1	579
fees	1	579
highway commission may issue or withhold	1	579
maximum size limits	1	578
misrepresentation or failure to obtain, penalty	(c)	580
permit to be carried and displayed	(c)	580
single trip permits	1	580
violations, hearing and reinstatement, penalties	(c)	580
Special fuel tax		
administration by board of equalization	9	345
dealers and users licenses and bonds	4	339
definitions	1	337
imposition of tax	3	338
moneys credited to highway fund	11	346
monthly tax returns	6	342
penalty for failure to file or pay	(d)	343
penalty for false return	(h)	344
records to be kept by licensees	5	341
tax computed how	(b)	342
use outside of state, credit for	7	344
violations and penalties	10	346
Three unit combinations		
registration and fees	1	563
vehicles to have weight markings	1	564
Trucks, trailers and passenger busses		
additional fees for highway fact-finding committee	8	200
Trucks, trailers and semi-trailers		
non-residents, payment of fees	1	143
temporary trip permits and fees	1	399
MOTOR VEHICLE TRAFFIC REGULATION (Uniform law)		
Animal-drawn vehicles	26	632
Backing, limitations on	101	662
Brakes and brake equipment	140	679
Brakes, schedule of stopping ability	140	680
Bicycles and play vehicles	X	654
Bridges, speed	46	642
Busses, trailers, pole trailers, lamps and reflectors	119	666
Color of lamps	120	668
Definitions of vehicles and equipment	1	624
Definitions of agencies and persons	10	627
Definitions of highways, walks, crossings, zones	14	628
Driving on right side, overtaking and passing	VI	643
Driving while intoxicated, and reckless driving	IV	638
Effective date of act	159	691
Emergency vehicles, privileges	25.1	632
Equipment required on trucks, trailers, etc.	119	666
Explosives or flammable liquids, flares	149	687

HeinOnline -- 1955 973 1955

MOTOR VEHICLE TRAFFIC REGULATIONS (Continued)	Sec.	Page
Explosives or flammable liquids, markings and fire extinguishers	150	687
Explosives, stop at railway crossing	90	656
Fire apparatus, following or crossing	106	662
Flags or lamps on projecting loads	124	669
Flares or warning devices	148	684
Flares, display on disabled vehicles	149	685
Front seat riders, obstruction of view by load	103	662
Glass, nails, etc., on highways prohibited	108	663
Hitchhiking	79	653
Horns and warning devices	142	682
Inspection of vehicles	XV	688
Lamps, reflectors, color, mounting, visibility	121	668
Lamps on farm equipment	126	670
Lamps on every vehicle	127	672
Lamps on parked vehicles	126	670
Lamps, spot, fog, auxiliary	128	673
Lamps, number required	137	678
Lamps, special restrictions	138	678
Lighted lamps, hours	112	664
Lighting equipment, additional	131	675
Lighting equipment in lieu of lamps	136	678
Lighting equipment, multiple beam	132	676
Lights and lamps, reflectors	XIV	664
Local authorities, powers	28	633
Local authorities, turns in cities	61	648
Motorcycles	102	662
Motorcycles, brakes	141	682
Motorcycles, head lamps	114	664
Motorcycles, lighting equipment	135	677
Motorcycles, speed	45	642
Mountain highways, coasting	104	662
Mufflers and mirrors required	143	683
Obedience to and effect of traffic laws	II	631
Parked vehicles, removal by highway patrol	97	659
Parked vehicles, starting	63	648
Parking prohibited in specified places	98	660
Pedestrians' rights and duties	IX	652
Penalties for misdemeanors	154	689
Police vehicles	129	674
Railroad crossings, stops	88	655
Railroad crossings, moving heavy equipment	91	656
Reflectors on new vehicles	116	665
Riding on fenders or running board	109	663
Rights of way at intersections	VIII	650
Right of way of emergency vehicles	72	651
Safety glass required in future	147	684
School busses, lettering and lighting	94	658
School busses, overtaking and passing	94	658

HeinOnline -- 1955 974 1955

MOTOR VEHICLE TRAFFIC REGULATIONS (Continued)	Sec.	Page
School busses, signal lamps	129	674
Shooting from or across highway	110	663
Signals by hand or signal device	65	649
Signals on turning, starting, stopping	61	647
Signal lamps and signal devices	130	674
Sirens, whistles, bells, forbidden	142	642
Snow-removal equipment, lights	139	679
Speed restrictions	V	639
Speed restrictions, trucks, tractors, motorcycles	45	642
Speed zones	42	640
Stop lamps and turn signals on new vehicles	117	666
Stop signs, state and local	92	657
Stops when entering street from alley	93	658
Stopping or parking on highway	96	659
Tail lamps	115	665
Tires	146	683
Title of act	156	690
Traffic signs, signals and markings	III	634
Turns, how made	61	647
Turns on curves or crest of grades	62	647
Turning and stopping, signals	VII	647
Unattended vehicles, parking of	100	661
Unsafe vehicles, equipment	111	663
Windshields, clear view, wipers	145	683

N

NAMES		
Changes decreed in 1953-54		926
NARCOTICS		
Administration transferred to board of pharmacy	Ch. 7	13
Definitions	1	15
Hospitals, application for seized drugs	6	20
Manufacture or production, license	2	16
Records of drugs received and dispensed	5	18
Sale on written or oral prescription	4	17
Unlawful possession forfeiture and disposal	6	20
NATIONAL GUARD		
Air national guard included	1	49
Administration and training, appropriation		772
Armories, construction in conjunction with U. S.	Ch. 168	381
Armories, construction and expense	1	120
Civilian employes under social security	2	734
NEPOTISM		
Sheriffs, employment of cooks or matrons	1	183
NOTARIES, PUBLIC		
Deputy registrars, fees	1	131

HeinOnline -- 1955 975 1955

O

OBSCENE LITERATURE, COMIC BOOKS OR PICTURES	Sec.	Page
Not to be given or sold to minors	1	473
OIL AND GAS		
Aviation gas, exemption from tax	Ch. 17	34
Conservation Commission		
deposit of license taxes	D	510
employees, appointment	D	510
fund established	D	510
membership, composition and term	1	26
members, expense and per diem	F	27
oath and seal	1	27
Diesel fuel tax	1	462
Gasoline		
investigation of price of		780
tax increase per gallon, duration of	1	581
unsold gas, refund to dealer	1	582
Gasoline brought into state in tanks		
excess of 20 gallons, tax	1	394
failure to make statement or pay tax	6	395
manner of payment of tax	3	395
reports to board of equalization	1	394
Gasoline tax refunds		
aviation gas excluded	(8)	468
claimants statement, contents	1	466
double-faced carbons for invoices	(8)	469
fee for refund permit	(5)	468
filing of applications	(2)	467
invoices, contents	(8)	41
invoices, aviation gas	(8)	41
lost invoice, procedure	(8)	369
sale without permit, penalty	(9)	470
sellers permit, fee, renewal	(9)	469
separate invoices of each sale	(8)	468
Leases		
annual rental, filing fee, continguity	1	335
cancelled lease; new leases	1	335
cancellation power of land board	2	335
delay drilling penalty	2	336
drilling requirements	2	336
future leases, what law applicable	3	336
guardian, power to make oil and gas leases	1	492
Measuring devices		
dealers' license	2	261
inspection transferred to sealer of weights and measures	1	260
license fee, pumps, meters, tanks	3	262
license expiration date	3	262
penalty for nonpayment of fees	3	262
penalty for removing state seal	1	262
Motor vehicles special fuel tax	Ch. 162	337
Net proceeds tax		
annual statement of gross yield, contents	2	267
assessment of royalties	5	269
board of equalization to fix tax levies	7	270
county assessors to compute taxes	8	270
deduction of drilling costs	4	269
fraudulent reports	6	270

HeinOnline -- 1955 976 1955

OIL AND GAS (Continued)	Sec.	Page
lien of tax	13	272
net proceeds, how computed	3	268
penalties concerning statement	9	271
retroactive date of act	15	273
statement by dissolving company	11	271
surface improvements, taxation	14	272
Pipelines		
common carriers defined	1	418
connections for exchange of tonnage	4	420
daily shipment, limitation on	6	422
discrimination and establishment of rates	6	421
jurisdiction of railroad commission	2	419
petroleum, or products, pipelines for	1	418
rates, hearings, complaints	3	419
tariffs and reports	5	421
Producers and purchasers		
drilling permits, fees	1	509
license tax, rates	1	508
moneys to be deposited in what fund	D	510
natural gas, rate of tax	1	508
penalty for nonpayment	C	509
purchasers of natural gas to pay	1	508
quarterly statements	B	509
Test wells		
cores, cuttings, chips and logs	1	490
impoundment of information by bureau of mines	1	491
plugging, bond for	1	491
samples to bureau of mines	1	491
Underground storage reservoirs, eminent domain		
commissioners, appointment; assistants	10	607
complaints, contents	8	606
eminent domain, application for certificate	4	602
eminent domain, limitations	3	601
eminent domain, public uses, what are	6	630
estates acquired by condemnation	7	605
rentals set by commissioners	5	608
right, title and interest of abandoned ground	7	605
summons, contents, notice and service	9	607
Underground storage reservoirs, leases of state lands		
bond of lessee required	4	471
forfeiture and cancellation of lease	5	471
land board, power to lease	1	470
rentals	6	472
reservations to state	(2)	470
rules and regulations by land board	3	471
surrender of lease, removal of property	7	472
term of lease	2	471

OUTFITTERS

See "Fish and game."

P

PARDONS, STATE BOARD OF		
Adoption of Constitutional amendment creating		931
Board of Pardons		
creation	2	309
director and employees, appointment and salaries	5	311

HeinOnline -- 1955 977 1955

PARDONS, STATE BOARD OF (Continued)	Sec.	Page
director, duties	8	312
discharge of prisoner or parolee	20	318
executive clemency	21	318
hearings, subpoenas	15	315
juvenile cases excluded	30	320
legal adviser, appointment	7	311
membership, per diem, terms	2	309
parole and probation officers, duties	11	313
parole of prisoners	12	314
parole violators, return of	18	316
suspended sentence, arrests during	11	313
service of term for additional crime	19	317
Citizenship, investigation to determine restoration	1	140
Suspended sentence, supervision of	1	432
Warden to report good time allowances	1	235
PARKING LOTS		
City commission created	2	254
Elections to issue bonds	3	255
Lease or operation of project	3	255
PETROLEUM PRODUCTS		
See "Oil and Gas."		
PHARMACY, STATE BOARD OF		
Administration of Narcotic Drugs Act	Ch. 7	13
PIPE LINES		
See "Oil and gas."		
PLANNING BOARD		
Appropriation		820
Appropriation		820 825
PLATS		
Abandoned townsites, vacation of plats	1	51
Annexation of parcels of land	1	34
POLICEMEN		
Charges against		
accused, service on	1	122
discharge without hearing unlawful	(9)	123
hearing before police commission, rules of evidence	1	122
"mayor" to refer to what persons	(11)	124
police commission, decision subject to mayor's review	(6)	123
review by district court	(7)	123
subpoenas, punishment for disobedience	(4)	122
Widow's pension, minor children	1	398
PRESIDENTIAL PRIMARIES		
Adoption of referendum		932
Primary elections		
convention expenses, mileage	7	720
county central committee, appointment	3	717
county conventions, participants	(6)	718
county and city central committeemen or women	3	716
date of holding	1	713
delegates and alternates to state convention	(7)	718

HeinOnline -- 1955 978 1955

PRESIDENTIAL PRIMARIES (Continued)	Sec.	Page
delegates or alternates to national convention	(7)	718
officers to be chosen	1	713
party nominations, regulation of	2	714
polls, hours, certain precinct excepted	1	457
precinct committeeman or woman	4	719
presidential preference, procedure	2	714
state convention, conduct of	6	719
state convention, time and place of holding	5	719
support of presidential candidate by delegates	5	719
PRISON, STATE		
Citizenship, governor's power to restore	1	140
Good time allowances, warden's duty to report	1	235
Guards, hours of labor	1	620
Suspended sentence, supervision of pardon board	1	432
See also "Pardon Board."		
PROBATE AND ESTATES		
Bequests by will, who may take	1	392
Guardians		
leasing or mortgaging real property	1	492
oil and gas leases	1	492
right of way, granting of	1	492
Mortgages on estate property		
purposes for which mortgage may be made	1	110
Widow may elect share in husband's estate	1	501
PROBATION OFFICERS		
Appointment, removal, salaries	1	63
Deputies, salaries	1	63
PUBLIC EMPLOYEES RETIREMENT SERVICE		
Board of administration, powers and duties	4	166
Death benefits	9	179
Definitions amended		
compensation earnable	(q)	161
prior service	(m)	160
public agency	(d)	159
state employee	(f)	159
Disability retirement		
benefit reduced when employed	7	179
medical examination	8	179
reinstatement	6	178
Management of retirement fund	5	173
Maximum salary, computing compensation	12	182
Members		
absence without compensation	(f)	169
annual fee	(l)	176
credit for prior service	(h)	170
credits for service	(d)	168
ineligible for benefits when in state service	11	182
members of other pension systems	(h)	165
military service	(f)	169
part-time employees	(i)	166
persons over sixty years	(j)	166
who are ineligible	3	164
Rates of contribution, procedure	(i)	175

HeinOnline -- 1955 979 1955

PUBLIC EMPLOYEES RETIREMENT SYSTEM (Continued)	Sec.	Page
Reinstatement after voluntary retirement	1	62
Retired members, while in state service	11	182
Retirement moneys not subject to execution or taxes	10	181
Retirement, compulsory, age limit repealed	1	62
Retirement, voluntary, age and service	1	62
Savings account, transfer to pension fund	(o)	177
School district employees, vacation time	(c)	164
State employees		
compulsory membership	2	163
re-entry into service	(b)	164
Withdrawal of contributions	(m)	176
PUBLIC LIBRARIES, MUSEUMS, PLAYGROUNDS, ETC.		
Bequests by will, who may take	1	392
PUBLIC WELFARE DEPARTMENT		
Blind persons, rehabilitation	Ch. 167	375
Reimbursement to counties in accident cases	1	104
PUBLIC WORKS		
Preference to Montana labor	1	56
Prevailing wage defined	1	56
Veterans' preference	1	243

R

RAILROAD AND PUBLIC SERVICE COMMISSION		
Members, salaries	1	517
Motor carriers		
change of rates, procedure	1	621
hearings for applications, time for	1	205
orders, findings or decisions, time for issuing	1	205
matters to be considered	1	203
no hearing necessary when	1	204
notice to be served	1	203
reasons for findings to be filed	1	204
stop at railway crossings	90	656
Motor carrier fees excepted from anti-diversion law	2	524
Oil and gas measuring devices, inspection transferred	Ch. 131	260
Pipe lines		
common carriers defined	1	418
connections for exchange of tonnage	4	420
daily shipment, limitation on	6	422
discrimination and establishment of rates	6	421
jurisdiction of railroad commission	2	419
petroleum or products, pipelines for	1	418
rates, hearings, complaints	3	419
tariffs and reports	5	421
REFERENDUM		
Pardon board		931
Presidential primaries		932
State Hospital for Insane, building bonds		941
State Training School at Boulder, bonds		945

HeinOnline -- 1955 980 1955

	Sec.	Page
REFRIGERATORS		
Abandoning with latched doors	1	253
RELIGIOUS AND CHARITABLE ORGANIZATIONS		
Bequests by will, who may take	1	392
REORGANIZATION OF STATE GOVERNMENT		
Interim commission created	Ch. 265	710
RESOLUTIONS AND MEMORIALS		
See "Memorials and Resolutions."		
REVISED CODES OF MONTANA		
Additional sets and replacement volumes		771
Pocket parts, appropriation		770
Replacement volumes, adoption and citation of	1	21
Replacement volumes, appropriation		770
ROADSIDE CAMPS, PARKS, HISTORICAL SITES		
Donations, gifts, bequests	1	85
Jurisdiction of highway commission	1	85
RUSSELL, CHARLES MARION		
Statue commission		
creation, purpose and duties	1	186
transfer of funds previously collected	2	187

S

SAWDUST		
Dumping into streams	1	140
Sawdust pile, size and burning of	1	486
SCHOOLS		
Abandonment of districts		
transportation deemed equivalent to holding school	1	529
vote on disposition of buildings	(3)	530
Auditing of extracurricular funds		
payment of costs from what fund	1	498
publication of notice of audit	1	498
Bond elections, absent voters	1	448
Bus contracts		
contracts by trustees, time limit	1	93
depreciation reserve, tax levy	1	93
Busses		
design, construction and operation	1	388
drivers qualifications	(3)	389
flashing warning lights	(6)	390
markings on approved school bus	(5)	389
vehicles to stop when bus is stopped	2	390
vehicles need not stop when	2	390
railroad crossings, stops and gears	2	391
railroad crossings, stops	90	656
Census reports, duty of county superintendents	1	279
Compulsory attendance		
employment of sixteen year olds or under	1	95
Contracts, letting by trustees		
advertising for bids	1	83

HeinOnline -- 1955 981 1955

SCHOOLS (Continued)	Sec.	Page
awarding to highest bidder	1	83
letting without advertising	1	83
trustees not to be interested in	1	83
Crippled children, education of	3	454
Distribution of money available		
formula for apportionment of county funds	1	745
non-accredited schools not to be deprived	(5)	747
Districts		
examination of books by accountant	1	384
examination of books by state examiner, fee	1	384
division and consolidation of districts	1	516
Foundation program		
adult education, kindergarten, recreation	3	526
high schools, schedule of distribution	1	528
school lunch, new buildings, transportation	3	526
schedule of financial distribution	3	527
Handicapped children, census and files	1	278
Handicapped children, special education	Ch. 206	451
High schools		
bids for contracts, when	1	77
bond issues, elections	1	507
bonds, division of proceeds	1	507
bonds, common school districts to share	1	507
bonds, election to determine purpose of expenditure	1	507
distribution of money available, non-accredited schools	1	745
foundation program, schedule of distribution	1	528
trustees, general powers and duties	1	77
High school districts		
common school districts, division and consolidation	1	516
division of county into	1	514
non-operating districts, consolidation, notice	1	515
special elections held when	1	516
New districts		
creation out of other districts, procedure	1	502
limitation for remaining taxable valuation of land	(5)	505
proviso where district contains nontaxable Indian land	(5)	505
Third class districts, accounting methods	1	182
Transportation of pupils		
board or rent in lieu of	1	423
limitation on duration of trip	(k)	426
payment of schedule in lieu of transportation	1	423
schedule, alteration	(h)	424
schedule of transportation expenses	(j)	425
transportation committee, power to act on alteration	(h)	425
transportation supervisor	(l)	426
Transportation committees		
membership, organization and duties	1	212
Trustees		
accounting of extracurricular funds	(24)	498
powers and duties	1	495
SECRETARY OF STATE		
Salary	1	517
SEWAGE AND WATER SYSTEMS		
See "Cities and Towns."		

HeinOnline -- 1955 982 1955

INDEX

	Sec.	Page
SHANE, MARGARET M.		
Claim against state authorized, appropriation	1	754
SHERIFFS		
Employment of cooks or matrons	1	183
Personal property taxes, collection	1	374
SILICOSIS		
Limit of income from other sources	1	565
Limits under workmen's compensation	1	566
Not in public institution	1	566
Payment, amount of	2	566
Payment including federal grant	2	567
SLASHINGS		
Disposal of	1	499
See also "Forest Lands."		
SOCIAL SECURITY		
Employees of state and political subdivisions	Ch. 270	732
Teachers	Ch. 271	742
SOLDIERS HOME		
Admission requirements	1	321
Commandant, qualifications and salary	2	236
SOLDIERS, SAILORS AND MARINES		
See "Military Service."		
SPRAYING		
Lien on crops for services	2	114
STATE OF MONTANA		
Actions by grantee of State	1	436
Advertising, use of highway funds	1	141
Bequests by will, who may take	1	392
Claims against, allowed		
See "Appropriations."		
Claims against, limit on time for transmitting	1	223
Contracts		
actions against state, time limitation	2	275
attorney general to represent state	6	276
liability of state	4	276
Fiscal year		
claims, time limit	1	223
incompleted contracts, claims for	2	137
Insurance on state-owned property		
waiver of sovereign immunity required	1	126
License fees paid under protest	1	436
Licenses or taxes paid under protest	1	449
See also "Taxation."		
Support of state government 1955-56, tax levies	1	86
Travelling expenses of employees	Ch. 66	114
STATE ADJUTANT GENERAL		
Rank, term, assistant	1	50

HeinOnline -- 1955 983 1955

INDEX

	Sec.	Page
STATE ATTORNEY GENERAL		
Salary	1	517
STATE AUDITOR		
Salary	1	517
STATE BOARD OF EDUCATION		
State College, use of trust funds for farm sites	1	554
STATE BOARD OF HEALTH		
Handicapped children, education of	Ch. 206	451
Departmental organization		
board, functions, powers and duties	1	693
bonds of employees	10	698
child welfare	26	708
child rehabilitation	27	709
children's homes and agencies, inspection	27	709
crippled children, services	24	707
cooperative agreements and hearings	18	702
dental health	5	696
epidemiologist, qualifications	11	699
fees, accounting	10	698
hospital survey and construction	22	704
industrial hygiene	3	696
laboratory services	2	695
maternal and child health program	24	705
narcotic education	24	707
personnel, power of appointment	24	707
refrigerated lockers and vehicles, inspection	19	702
refrigerated lockers, lien on food	21	703
rules and regulations	7	697
school and county nurses	24	706
subpoenas, power to issue	20	703
tuberculosis control	4	696
venereal disease	12	699
vital statistics	8	697
Food and Drugs act, enforcement of	Ch. 119	237
Hospital survey	Ch. 215	474
Laboratory, bonds for equipment and furnishing	1	764
STATE BOARD OF PARDONS		
Adoption of Constitutional amendment creating		931
Board of Pardons		
creation	2	309
director and employees, appointment and salaries	5	311
director, duties	8	312
discharge of prisoner or parolee	20	318
executive clemency	21	318
hearings, subpoenas	15	315
juvenile cases excluded	30	321
legal adviser, appointment	7	311
membership, per diem, terms	2	309
parole and probation officers, duties	11	313
parole of prisoners	12	314
parole violators, return of	18	316
suspended sentence, arrests during	11	313
service of term for additional crime	19	317
STATE BOARD OF PHARMACY		
Administration of narcotic drugs act	Ch. 7	13

HeinOnline -- 1955 984 1955

INDEX

	Sec.	Page
STATE CAPITOL BUILDING		
See "Capitol Building."		
STATE CONTROLLER		
Budget requests for state departments	1	323
Fiscal year, claims, time limit on	1	223
Incompleted contracts, fiscal year	2	137
Member of state insurance commission	1	402
STATE DEPARTMENTS		
Budget requests; power of controller	1	323
Fiscal year, closing of books	1	136
STATE EMPLOYEES		
Political activity of Fish and Game employees	1	46
Retirement system, See "Public Employees."		
Social security, state and political sub-divisions		
contribution fund, established	7	740
contributions by state employees	5	738
contributions by state, budgets	7	741
cost of administration paid by departments	8	742
employees, who are	(c)	734
federal-state agreement	4	736
national guard, civilian employees	2	734
not to impair present retirement benefits	1	733
P. E. R. S. a separate system	3	735
plans for coverage by political sub-divisions	6	738
referendum and certification	3	735
Traveling allowance		
per diem	2	115
per diem, how computed, fractional days	3	115
schedule of expenses, form	4	116
STATE FORESTER		
Appointment, qualifications, term, salary	1	52
Duties relating to state forests	1	483
Fire protection, emergencies	1	485
Scaling, records to be kept	1	484
Timber sales	1	484
See also "Forest Lands."		
STATE HIGHWAY COMMISSION		
See "Highway Commission."		
STATE HIGHWAY PATROL		
See "Highway Patrol."		
STATE HOSPITAL FOR INSANE		
Alcoholics, charges for care	1	259
Bond issue authorized by referendum		944
Commitment costs paid by whom	1	128
Commitment to state hospital		
financial report of patient and relatives	1	88
maintenance charged	1	90
reports to superintendent of hospital	1	89
Transfer to veterans' hospitals	1	48
Voluntary commitment, charges	1	258
STATE INDUSTRIAL ACCIDENT BOARD		
Appeals from decisions of board		
bills of exceptions and judgment roll	1	139

HeinOnline -- 1955 985 1955

	Sec.	Page
STATE INSURANCE COMMISSION		
Controller and treasurer added as members	1	402
STATE LABORATORY BUILDING		
Bonds authorized		
air conditioning	1	764
board of health laboratory, equipment	1	764
rock excavation	1	764
Name of building	1	494
STATE LANDS		
Actions by grantee of State	1	436
Exchange of lands in Valley county with U. S.	1	109
Forest lands, See "Forest Lands."		
Injury to trees, disposition of fines	1	485
Lands bought from state; limitation of actions	1	436
Lands heretofore sold by state	1	435
Oil and gas leases		
See "Oil and Gas"	Ch. 161	334
Underground gas storage reservoirs		
See "Oil and Gas"	Ch. 213	470
Underground gas storage reservoirs		
See "Oil and Gas"	Ch. 259	600
STATE LAW LIBRARY		
Librarian and assistant, salaries	1	451
STATE OFFICERS		
Salaries	1	517
State planning board appropriations		820, 825
STATE PRISON		
Citizenship, governor's power to restore	1	140
Good time allowances, warden's duty to report	1	235
Guards, hours of labor	1	620
Suspended sentence, supervision of Pardon Board	1	620
See also "Pardon Board."		
STATE SEALER OF WEIGHTS AND MEASURES		
Petroleum products measuring devices		
dealer's license	2	261
inspection transferred from railroad commission	1	260
license fees, pumps, meters, tanks	3	262
license expiration date	3	262
penalty for nonpayment of fees	3	262
penalty for removing state seal	1	262
STATE RAILROAD AND PUBLIC SERVICE COMMISSION		
See "Railroad and Public Service Commission."		
STATE TRADE COMMISSION		
Investigation of price of gasoline		780
STATE TRAINING SCHOOL AT BOULDER		
Building bond issue authorized		945
STATE TREASURER		
Insurance commission, member of	1	402
Salary	1	517

HeinOnline -- 1955 986 1955

	Sec.	Page
STATE UNIVERSITY		
See "University System."		
STATE VOCATIONAL SCHOOL FOR GIRLS		
Ages of girls committed	2	266
Executive board, number and qualifications	1	265
STORES		
Licenses		
application and fee	1	247
date of lapse of license	2	248
expiration and renewal fee	2	247
SUPERINTENDENT OF PUBLIC INSTRUCTION		
Salary	1	517
SUPREME COURT		
Attendants, reporters and clerks, salaries	1	451
Clerk, salary	1	517
Justices, salaries	1	517
Marshal, appointment	1	451

T

	Sec.	Page
TAXATION		
Airline companies	Ch. 249	555
Classification of real property		
appeals of aggrieved property owner	5	439
classification and appraisal of all lands	1	438
lands classified according to use	6	439
levy of tax by counties	2	438
time limit on classification	4	439
uniform method of classifying, duty of state board	6	439
County poor fund, additional levy	1	124
County recreational centers, tax levy	1	83
County tax levy 1955-1956	1	120
Income tax		
adjusted gross income defined	1	610
alternative deductions in computing net income	3	610
application for revision or refund, time of	1	105
application for review, time limitation	1	106
change of residence status, effect of	9	615
deductions in computing net income	2	610
estimated tax	12	618
failure to make return or pay tax, penalty	1	347
federal tax return, copy may be required	11	616
fiduciaries, returns by	6	612
five-year limit for correcting returns	1	205
fraudulent returns, no time limit for review	1	205
information agents' duties to report	7	615
non-residents adjusted gross income	3	610
non-residents, deductions	3	610
partnership income	5	611
persons required to make returns	8	615
trusts or estates, tax	6	612
Income tax withholding		
definitions	1	545
employer to withhold tax, rate	2	547
employer liable for deductions	4	549

HeinOnline -- 1955 987 1955

TAXATION (Continued)	Sec.	Page
employer not liable to employee	6	549
employer, duty to pay tax to board	10	551
employer, quarterly returns by	5	549
employer, report to state board	9	550
estimate of quarterly wages	3	548
exemptions to conform to federal return	3	547
fund, deposits in, and unexpended balance	12	552
penalties for evasion	13	552
refunds and future credits	11	551
rules and regulations, power of board	14	553
statements to employee	7	550
warrants, time limit on	12	552
Inheritance tax		
interest determinable by death, how regarded	1	202
transfers made in contemplation of death	1	732
Interim commission to study tax structure	Ch. 265	710
License fees, payment under protest	1	437
License fees or taxes paid under protest, recovery	1	449
Motor vehicles tax, See "Motor Vehicles."		
Oil and gas		
aviation gas tax refunds	(8)	468
diesel fuel tax	1	462
gasoline tax	1	581
gasoline brought into state in tanks	Ch. 174	394
gasoline tax refunds	Ch. 212	465
petroleum products, measuring devices	Ch. 131	259
petroleum products producers license tax	Ch. 234	507
petroleum products net proceeds tax	Ch. 135	267
special motor fuel tax	Ch. 162	336
Personal property taxes, collection	1	347
Stores, license tax	Ch. 122	247
Tax levy for support of state government, 1955-56	1	86
Tax sales receipts		
apportioned on current year's levy	1	294
royalty receipts to general fund	1	294
TEACHERS		
Retirement		
death benefits	(b)	332
death benefits for children	(c)	333
disability retirement	(3)	330
retirement benefits	1	329
Social security		
contribution by pay roll deduction	2	743
employers contributions	(e)	744
referendum and certification	1	743
separate system for each institution	3	743
TIMBER		
Permits for fuel or commercial use	1	482
See also "Forest Lands."		
TRADE COMMISSION		
Investigation of price of gasoline		780
TRAINING SCHOOL AT BOULDER		
Building bond issue approved		944

HeinOnline -- 1955 988 1955

	Sec.	Page
TREASURER, STATE		
Member of State Insurance Commission	1	402
Salary	1	517
TRUCKS, TRAILERS AND SEMI-TRAILERS		
See "Motor Vehicles."		
TRUSTS AND TRUSTEES		
Bonds of trustees		
limitation on cost	1	409
recoverable as suit costs	1	409
Common trust funds		
banks may establish	1	112
court accounting not required	2	113
rules and regulations by state examiner	1	112
U		
UNEMPLOYMENT COMPENSATION		
Administration of fund	4	357
Administration of fund, reimbursement of	5	358
Benefits		
carryover benefit year	2	521
death benefits payable to whom	1	520
definitions	3	522
effective date	6	523
odd jobs, wages	3	522
remuneration from public welfare funds	3	523
schedule of benefits	1	519
waiting period	1	521
Contributions	2	353
Definitions	9	361
Disqualifications for benefits	1	349
False statements or violations, penalties	7	359
Prosecutions for violations	8	361
Retired persons, wage credits	(h)	352
Refunds to employer	6	358
Subpoenas	3	356
Voluntary quit, disqualification for benefit	1	349
Women leaving to be married	(g)	352
Women leaving to join family	(i)	352
UNIFORM LAWS		
Common trust act	Ch. 64	112
Drug act (narcotics)	Ch. 7	13
Motor traffic regulations	Ch. 263	622
UNITED STATES		
Bequests by will, who may take	1	392
Fish and game, certain employees deemed residents	3	725
Lands in Valley county, exchange of	1	109
Property omitted from assessment	(3)	67
UNIVERSITY SYSTEM		
Residence halls and other buildings		
admissions and fees not deemed tuition	(b)	412

HeinOnline -- 1955 989 1955

UNIVERSITY SYSTEM (Continued)	Sec.	Page
bonds, power of board to issue	3	413
financing, powers of board	3	413
income of institutions to be held separately	5	414
institutions to be treated separately	5	414
livestock and exhibition areas	1	411
state not to become obligated	4	414
state funds not to be used	6	414
title to be in name of state, exceptions	2	412
State College		
coal and lignite experimentation	Ch. 180	403
use of trust funds for farm sites	Ch. 248	554
Teachers		
retirement	Ch. 160	328
social security	Ch. 271	742

V

VALLEY COUNTY		
Exchange of lands needed by U. S.	1	109
VETERANS		
Bonus, payable to surviving relatives	1	252
Housing act extended to May, 1959	Ch. 9	22
Insane, transfer to veterans institutions	1	48
Organizations		
beer licenses	1	99
liquor licenses	1	102
Preference on public works	Ch. 120	243
Soldiers Home, admission requirements	1	321
War orphans educational fund	1	444
See also "Military Service."		
VETERANS AND PIONEERS MEMORIAL BUILDING		
Veterans fund, expenditure of	1	246
VETERINARY MEDICINE, PRACTICE OF		
Board of examiners		
appointment, qualifications, term	1	145
compensation	3	147
organization, quorum, powers	2	146
records and reports, funds	3	147
secretary-treasurer, duties and salary	3	147
Definitions	7	152
Examinations		
application, form and fee	4	148
applicants, qualifications	4	148
grade for license, re-examinations	4	149
license without examination, when	4	149
reciprocity with other states	4	148
subjects for examination	4	149
temporary permit	4	149
time of examination	4	149
Licenses		
address on file with board	5	151
annual certificate, fee	5	150
display of license	6	151
failure to procure certification, penalty	5	150

HeinOnline -- 1955 990 1955

	Sec.	Page
VETERINARY MEDICINE, PRACTICE OF (Continued)		
military service, exceptions	5	150
reciprocity agreements	6	151
refusal, revocation or suspension	8	153
Practice in violation of law, penalties	10	155
Persons excepted from act	9	155
VOCATIONAL REHABILITATION		
Blind persons	Ch. 167	375
VOCATIONAL SCHOOL FOR GIRLS		
Ages of girls committed	2	266
Executive board, number and qualifications	1	265

W

WALLER, ROY		
Representing the Linderman's claim against the state claim authorized, appropriation	1	758
WAR		
See "Military Service" and "Veterans."		
WAR ORPHANS' EDUCATIONAL FUND		
Creation and use	1	444
WAREHOUSEMEN		
Liens, satisfaction of		
advertising or posting notice of sale	1	404
redemption from sale	1	406
WATER COMMISSIONERS		
Term, commencement and closing of	1	119
WATER POLLUTION		
Sawdust, dumping into streams	1	140
WATER POLLUTION COUNCIL		
Board, State Board of Health to administer	4	282
Board, powers and duties	6	285
Compensation of board and council	4	283
Council, creation of	4	283
Council, powers and duties	5	284
Definitions	3	281
Hearings and appeals	10	287
Permits to use streams for waste	7	286
State officers to cooperate	14	289
Streams, classification	9	287
WATER WORKS AND SEWAGE SYSTEMS		
See "Cities and Towns."		
WEED CONTROL		
Fund, proceeds from work or sales added	1	111

HeinOnline -- 1955 991 1955

WEIGHTS AND MEASURES

Petroleum products

application of dealer for license	2	261
effective date of act	4	263
license fees, pumps, meters, tanks	3	262
license expiration date	3	262
measuring devices, removal of state seal	1	261
penalty for nonpayment of fee	3	262

WELLS

See "Oil and Gas."

WIDOWS

May elect share of husband's estate	1	501

WILLS

Bequests by will, who may take	1	392
Widows may elect share of husband's estate	1	501

WORKMEN'S COMPENSATION

Appeals, record of board part of judgment roll	1	139

Benefits

beneficiaries, who are	7	577
compensation to run consecutively	7	577
foreign dependents excluded when	7	577
injury causing death	4	571
medical and hospital allowance	5	573
partial disability	3	570
specified injuries, compensation	6	574
temporary total disability, compensation	1	568
total disability permanent character, rates	2	569

Z

ZONING DISTRICTS

Area of	1	499

HeinOnline -- 1955 992 1955

INDEX OF APPROPRIATIONS

HeinOnline -- 1955 993 1955

HeinOnline -- 1955 994 1955

INDEX OF APPROPRIATIONS

EXECUTIVE DEPARTMENTS

	Pages
ADJUSTED COMPENSATION DIVISION	871, 890
ADJUTANT GENERAL	854, 874
AERONAUTICS COMMISSION	870
AGRICULTURE, DEPARTMENT OF	862, 882
APPRENTICESHIP COUNCIL	852, 872
ATHLETIC COMMISSION	868, 888
ATTORNEY GENERAL	783, 788
Deficiency	774, 800
Escheated estates fund	776
AUDITOR	784, 789
BOARD OF EDUCATION	821, 827
P. E. R. S. and Teachers Retirement	800
BOARD OF EQUALIZATION	864, 884
Deficiency	774
BOARD OF EXAMINERS	823, 829
BOARD OF HEALTH	822, 828
Mobile X-ray survey	778
Thompson, Dr. G. D. Carlyle, salary	802
CAPITOL BUILDING	823, 829
Deficiency	774, 799
Mitchell building, deficiency	799
Mitchell building, transfer of funds	829
Pioneers Memorial building	799, 893
Purchase of lots adjacent to capitol	778
CIVIL DEFENSE AGENCY	869, 889
COAL MINE INSPECTORS	856, 876
COMMODITY DISTRIBUTION DIVISION	853, 873
CONSOLIDATED BOARDS	823, 829
CONTROLLER, STATE	852, 872
ENGINEER, STATE	858, 878
ENTOMOLOGIST	856, 876
EXAMINER, STATE	853, 873
EXCEPTIONAL CHILD EDUCATION	822, 828
FIRE INSURANCE	820, 826

HeinOnline -- 1955 995 1955

INDEX

	Pages
FISH AND GAME COMMISSION	860, 880
FORESTER, STATE	867, 887
P. E. R. S.	798
FORESTRY, STATE BOARD OF	868, 888
GOVERNOR'S MANSION	783, 788
GOVERNOR'S OFFICE	782, 787
Deficiency	894
Extraditions	798
Requisitions, deficiency	773
HAIL INSURANCE	854, 874
HIGHWAY COMMISSION	818, 824
Deficiency	775
HIGHWAY FACT-FINDING COMMITTEE	200
HIGHWAY PATROL	819, 825
Transfer of funds	801
HISTORICAL LIBRARY	857, 877
Microfilm division	870, 889
INDIAN AFFAIRS, CO-ORDINATOR	869
INDUSTRIAL ACCIDENT BOARD	855, 875
LABOR AND INDUSTRY, DEPARTMENT OF	869, 888
LANDS, DEPARTMENT OF	859, 879
Deficiency	799
LIBRARY EXTENSION COMMISSION	857, 877
P. E. R. S.	798
LIQUOR CONTROL BOARD	870, 890
MILK CONTROL BOARD	860, 880
Deficiency	798
MITCHELL BUILDING	
Deficiency	799
Transfer of funds	824, 829
MOTOR VEHICLE DEPARTMENT	868, 888
OIL AND GAS CONSERVATION COMMISSION	862, 882
PARDONS, STATE BOARD OF	891
PARKS, STATE	800, 861, 881
PIONEERS MEMORIAL BUILDING	
Deficiency	799, 893
PLANNING BOARD FOR INDUSTRIAL DEVELOPMENT	820, 825
POULTRY IMPROVEMENT BOARD	861, 881
PUBLIC EMPLOYEES RETIREMENT SYSTEM	871, 890

HeinOnline -- 1955 996 1955

	Pages
PUBLIC SCHOOL EQUALIZATION FUND	775
PUBLIC WELFARE DEPARTMENT	793
RAILROAD AND PUBLIC SERVICE COMMISSION	785, 790
REGULATORY BOARDS	870, 890
SECRETARY OF STATE	783, 788
SOIL CONSERVATION COMMITTEE	853, 873
SUPERINTENDENT OF PUBLIC INSTRUCTION	786, 791
Deficiency	800
P. E. R. S. and Teachers Retirement	800
TRADE COMMISSION	818, 824
Investigation of price of gasoline	780
TREASURER, STATE	784, 788
Deficiency	798
UNEMPLOYMENT COMPENSATION COMMISSION	862, 881
VETERANS WELFARE COMMISSION	862, 882
VISUAL EDUCATION	822, 828
VOCATIONAL EDUCATION	821, 827
VOCATIONAL REHABILITATION	818, 824
Deficiency	797
WATER CONSERVATION BOARD	819, 825
Planning board for industrial development	820, 825
WESTERN REGIONAL EDUCATIONAL COMPACT	821, 827

JUDICIAL DEPARTMENTS

COUNTY ATTORNEYS	820, 826
Deficiency	798
DISTRICT JUDGES	820, 826
Deficiency	773, 798, 893
LAW LIBRARY	857, 877
SUPREME COURT	785, 790
TRANSPORTATION OF PRISONERS	820, 826

LEGISLATIVE DEPARTMENT

THIRTY-THIRD LEGISLATIVE ASSEMBLY	
House and Senate Journals	773
THIRTY-FOURTH LEGISLATIVE ASSEMBLY	
Mileage and per diem	768
Stenographic chairs	779

HeinOnline -- 1955 997 1955

STATE INSTITUTIONS

	Pages
AGRICULTURAL EXPERIMENT STATIONS	833, 842
DEAF AND BLIND SCHOOL	802, 812
HOSPITAL FOR INSANE	809, 815
Deficiency	799
INDUSTRIAL SCHOOL	810, 815
Deficiency	799
Reappropriations	801
ORPHANS HOME	805, 812
Deficiency	797
Teachers retirement	797
PRISON, STATE	808, 814
Deficiency	798
Deer Lodge valley farms	792
Joe Ryan ranch	894
SENILE, HOME FOR	809, 814
Reappropriations	802
SOLDIERS HOME	807, 813
Deficiency	798
Reappropriations	801
TRAINING SCHOOL AT BOULDER	807, 813
Deficiency	774, 797
P. E. R. S.	797
Reappropriation	802
TUBERCULOSIS SANITARIUM	808, 814
Reappropriation	802
UNIVERSITY SYSTEM	
Eastern Montana College of Education	838, 847
Meens, Richard, salary	779
Northern Montana College	839, 848
School of Mines	836, 845
State College	832, 841
Coal and lignite experimentation	403
Student travel refunds	840, 849
University of Montana	831, 840
Western Montana College of Education	837, 846
VOCATIONAL SCHOOL FOR GIRLS	806, 813
Deficiency	797

MISCELLANEOUS APPROPRIATIONS

CLAIMS AGAINST THE STATE ALLOWED	
Ewy, Marlowe	754
Meens, Richard, salary	779

HeinOnline -- 1955 998 1955

INDEX

	Pages
Shane, Margaret M.	755
Thompson, Dr. G. D. Carlyle, salary	802
Waller, Roy (representing the Lindermans)	758
COAL AND LIGNITE EXPERIMENT AT STATE COLLEGE	403
ESCHEATED ESTATES	776
FACT-FINDING COMMITTEE ON HIGHWAYS	200
GASOLINE, INVESTIGATION OF PRICE OF	780
NATIONAL GUARD, ADMINISTRATION AND TRAINING	772
PLANNING BOARD FOR INDUSTRIAL DEVELOPMENT	820, 825
POST-WAR PLANNING RESERVE FUND	769
REORGANIZATION OF STATE GOVERNMENT COMMISSION	712
REVISED CODES OF MONTANA	770, 771

HeinOnline -- 1955 999 1955

HeinOnline -- 1955 1000 1955

CODE INDEX

HeinOnline -- 1955 1001 1955

HeinOnline -- 1955 1002 1955

CODE INDEX

CODES OF 1947

Title-Sec.		Page
4-123	Amended	229
4-333	Amended	98
4-349	Amended	92
4-403	Amended	101
4-425	Amended	117
4-426-427	Repealed	119
5-910	Amended	274
7-125	Amended	134
8-104	Amended	621
8-111	Amended	203
8-201	Amended	417
8-202	Amended	419
8-204	Amended	419
8-205	Amended	420
8-206-207	Amended	421
9-209	Amended	8
10-401-408	Repealed	709
10-622	Amended	63
11-404	Amended	34
11-717	Amended	32
11-725	Amended	385
11-728-729	Amended	386
11-731	Amended	387
11-966	Amended	58
11-1101	Amended	12
11-1806	Amended	122
11-1821	Amended	398
11-1905	Amended	54
11-1918	Amended	47
11-2208	Amended	121
11-2214	Amended	65
11-2217	Amended	190
11-2218	Amended	191
11-2219	Amended	194
11-2220	Amended	195
11-2303	Amended	61
11-2314	Amended	65
11-2803	Amended	51
14-106	Amended	273
14-121	Amended	415
14-201	Amended	748
14-202	Amended (?)	748
14-203-204	Amended	749
14-206	Amended	750
14-208	Amended	751
15-205	Amended	30
15-206	Amended	31
15-504	Amended	28
15-1701	Amended	427
15-1702	Amended	296
16-912	Amended	134
16-1015	Amended	120
16-1128	Amended	57
16-1406	Amended	266
16-1620	Amended	5
16-1717	Amended	111
16-1907	Amended	299
19-107	Amended	461
19-120	Amended	186
19-121	Amended	187
22-107	Amended	502
23-505	Amended	131
23-509	Amended	132
23-902	Amended	938, 713
23-903	Amended	457
23-909	Amended	714
23-912	Amended	43
23-929	Amended	716
23-1002	Amended	939, 718
23-1003	Repealed	720
23-1005	Repealed	720
23-1006-1007	Amended	939, 719
23-1008	Amended	940, 720
23-1202	Amended	456
23-1303	Amended	307
25-231	Amended	445
26-104 (15)	Amended	324
26-106	Amended	130
26-107	Amended	129
26-108	Amended	304
26-109	Amended	46
26-112	Repealed	305
26-113	Repealed	233, 305
26-114	Amended	233
26-122	Repealed	131
26-130	Repealed	328
26-203	Repealed	726
26-205-208	Repealed	726
26-209	Repealed (?)	410
26-217	Amended	303
26-218-219	Repealed	726
26-301	Amended	429
26-304	Repealed	328
26-307	Amended	326
26-309-310	Repealed	326
26-312-314	Repealed	326
26-318	Repealed	326
26-320	Amended	231
26-321	Amended	263
26-322	Repealed	726
26-323	Repealed	410
26-324	Amended	327
26-326-329	Repealed	410
26-335	Amended	232
26-339	Amended	140
26-340	Repealed	328
26-341-342	Repealed	326
26-343	Repealed	328
26-505	Repealed	328
26-604	Repealed	410
26-702	Amended	234
26-706	Repealed	298
26-806	Amended	298
26-807	Repealed	328
26-810	Repealed	328
26-901	Amended	487
26-902	Amended	489
26-904	Amended	488
26-905-906	Amended	489
26-1003-1005	Repealed	410
26-1203-1204	Repealed	410
27-110	Amended	238
27-112	Amended	239
27-114	Repealed	243
27-116	Amended	241
27-117	Amended	242
28-103	Amended	481
28-109	Amended	416
28-119	Amended	486
28-402	Amended	499
28-603	Amended	69
31-105	Amended	727
31-106	Amended	55
31-107-109	Repealed	690
31-126	Amended	185
31-127	Amended	108
31-201	Amended	532
31-203	Amended	533
31-206	Amended	533
31-208-209	Amended	534
31-210	Amended	535
31-212	Amended	535

HeinOnline -- 1955 1003 1955

INDEX

Title-Sec.		Page
31–215–216	Amended	535
31–217–219	Amended	536
31–223	Amended	537
31–228	Added	537
31–229–230	Added	538
32–302	Amended	220
32–801–806	Repealed	690
32–1011	Repealed	690
32–1015	Repealed	690
32–1017	Repealed	690
32–1101–1109	Repealed	690
32–1111	Repealed	690
32–1123	Amended	559
32–1127	Amended	578
32–1132–1136	Repealed	690
32–1137–1142	Repealed	691
32–1146	Repealed	691
32–1608	Amended	156
32–1611–1612	Repealed	691
38–208.3	Amended	128
38–214	Amended	88
38–707–708	Amended	259
40–1201	Amended	402
40–2413	Amended	218
41–701	Amended	56
43–310	Amended	47
43–311	Amended	48
46–2303	Amended	589
46–2305	Amended	590
46–2320	Amended	590
46–2326	Amended	591
53–106	Amended	540
53–106.1	Added	249
53–107	Amended	441
53–108	Amended	538
53–114	Amended	583
53–116	Amended	440
53–118	Amended	543
53–120	Amended	86
53–122	Amended	71
53–129	Amended	291
54–101	Amended	14
54–103	Amended	16
54–104	Amended	17
54–106	Amended	17
54–109	Amended	18
54–119	Amended	20
54–124	Amended	21
54–206–209	Repealed	709
59–519	Amended	183
59–521–529	Repealed	116
59–701	Amended	136
59–1101	Amended	733
59–1102	Amended	734
59–1103	Amended	736
59–1104	Amended	738
59–1105	Amended	740
59–1106–1108	Amended	742
60–125	Amended	26
60–144	Amended	490
60–145	Amended	508
60–201	Amended	261
60–202	Amended	262
61–130	Amended	458
62–304	Amended	85
66–505	Amended	401
66–801–802	Amended	44
66–815	Amended	45
66–2201	Amended	145
66–2202	Amended	146
66–2203	Amended	147
66–2204	Amended	148
66–2207	Amended	150
66–2208	Amended	151
66–2209	Amended	152
66–2210	Amended	153
66–2211	Amended	154
66–2212	Amended	155
68–102	Amended	159
68–202	Amended	163
68–203	Amended	164
68–501	Amended	166
68–701	Amended	173
68–801	Amended	62
68–1001	Amended	178
68–1002–1003	Amended	179
68–1101	Amended	179
68–1303	Amended	181
68–1306	Amended	182
68–1308	Amended	182
69–105	Amended	693
69–106	Repealed	709
69–108	Repealed	709
69–201	Amended	696
69–301	Amended	696
69–302	Repealed	709
69–401	Amended	696
69–403–404	Amended	697
69–502	Amended	697
69–506	Amended	698
69–519	Amended	698
69–901	Amended	699
69–903	Repealed	709
69–1101	Amended	699
69–1102	Amended	700
69–1913	Repealed	691
69–1915	Repealed	691
69–2802–2803	Amended	700
69–2804–2805	Amended	701
69–2807–2808	Amended	702
69–2810	Amended	703
69–2813	Amended	703
69–3002	Amended	474
69–3003	Amended	476, 704
69–3004	Amended (?)	704
69–3004	Amended	476
69–3006–3007	Amended	477
69–3010	Amended	478
69–3012	Amended	478
69–3015–3016	Amended	479
69–3018	Amended	480
69–3201	Added	705
69–3202	Added	706
69–3203–3205	Added	707
71–308	Amended	104
71–701–705	Repealed	709
71–706–707	Amended	708
71–710	Amended	709
71–1003	Amended	565
71–1004	Amended	566
71–1008	Amended	567
75–201	Amended	411
75–202	Amended	412
75–203	Amended	413
75–204–206	Amended	414
75–1522	Amended	529
75–1523	Amended	279
75–1632	Amended	495
75–1637	Amended	83
75–1805	Amended	502
75–1831	Amended	183
75–1904	Amended	278
75–2707	Amended	329
75–2901	Amended	95
75–2902	Amended	96
75–3308	Amended	388
75–3403	Amended	93
75–3407	Amended	423
75–3412	Amended	212
75–3618	Amended	745
75–3913	Amended	448
75–4116	Amended	506
75–4231	Amended	77
75–4602	Amended	514
77–106	Amended	49
77–117	Amended	50
77–402	Amended	120
78–302	Amended	246
79–1002	Amended	323
80–714	Amended	620
80–739	Repealed	235
80–740	Amended	235
80–741	Repealed	235
80–904	Amended	265

HeinOnline -- 1955 1004 1955

INDEX

Title-Sec.		Page
80–905	Repealed	266
80–918	Amended	266
81–1403	Amended	53
81–1407	Amended	482
81–1408	Amended	484
81–1411	Amended	483
81–1412	Amended	299
81–1415	Amended	485
81–1703	Amended	335
82–201–211	Repealed	383
82–1008	Amended	384
82–1109	Amended	223
82–1801	Amended	451
84–406	Amended	587
84–430–437	Repealed	440
84-1801	Amended	35
84-1802	Amended	36
84–1813	Amended	462
84–1816	Amended	142
84–1818	Amended	38, 466
84–1819	Amended	41
84–1824–1827	Repealed	347
84–2402	Amended	247
84–2404	Amended	247
84–4195	Amended	294
84–4202	Amended	374
84–4501	Amended	437
84–4502	Amended	449
84–4905	Amended	609
84–4906–4907	Amended	610
84–4908	Amended	611
84–4911	Amended	611
84–4912	Amended	612
84–4913	Amended	614
84–4914–4915	Amended	615
84–4916	Repealed	620
84–4917	Amended	616
84–4918	Repealed	620
84–4920	Amended	205
84–4922–4923	Amended	105
84–4924	Amended	347
84–4933–4935	Repealed	620
84–4938–4939	Added	616
84–4940	Added	618
84–4941	Added	620
84–5404	Repealed	273
87–103	Amended	518
87–105	Amended	520
87–106	Amended	349
87–109	Amended	353
87–126	Amended	356
87–133	Amended	357
87–134	Amended	358
87–138	Amended	358
87–145	Amended	359
87–146	Amended	361
87–148	Amended	361
87–149	Amended	522
88–133	Amended	404
89–1004	Amended	119
89–2122	Amended	135
90–129	Amended	260
91–104	Amended	392
91–1723	Amended	409
91–3102	Amended	110
91–4402	Amended	732
91–4434	Repealed	202
91–4818 (3)	Amended	48
91–4911	Amended	492
92–701	Amended	567
92–702	Amended	569
92–703	Amended	570
92–704	Amended	571
92–706	Amended	573
92–708	Amended	577
92–709	Amended	574
93–302	Amended	42
93–303	Amended	553
93–2502	Amended	436
93–2516	Added	435
93–5505	Amended	137
93–9902	Amended	603
93–9903	Amended	605
93–9908	Amended	606
93–9909	Amended	607
93–9911	Amended	607
94–3334	Amended	485
94–3601	Amended	472
94–3602	Amended	473
94–4720	Amended	140
94–7821	Amended	432
94–7822	Amended	433
94–7823	Repealed	433
94–7824	Amended	433
94–7825–7830	Repealed	433
94–9801–9820	Repealed	309
94–100–25	Amended	91

Laws of 1949
THIRTY-FIRST SESSION

Chap.	Sec.		Page
21	1	Amended	50
26	1	Amended	243
28	4	Amended	329
32		Repealed	726
34	1	Amended	615
41	1	Amended	573
49		Repealed	726
63	1	Amended	610
70	1	Repealed	690
82	2	Amended	236
82	3	Amended	321
83	1	Amended	500
94	1	Repealed	690
101	1	Amended	232
118	1	Repealed	690
128	1	Repealed (?)	451
128	2	Repealed	451
128	3	Repealed	451
128	4	Repealed	451
153	9	Amended	451
156		Repealed	726
161	1	Amended	53
164	1	Amended	101
165	1	Amended	98
167	1	Amended	581
173	1	Amended	487
173	2	Amended	489
173	4	Amended	488
173	5	Amended	489
173	6	Amended	489
181	1	Amended	458
182	1	Amended	517
192	1	Amended	565
192	2	Amended	566
192	3	Amended	567
199	3	Amended	526
199	17	Amended	745
207	1	Amended	611

HeinOnline -- 1955 1005 1955

Laws of 1951

THIRTY-SECOND SESSION

Chap.	Sec.		Page
17	1	Amended	610
40	1	Amended	324
58	1	Amended	129
64	1	Amended	716
64		Repealed	720
81	1	Amended	130
84	1	Amended	553
93	1	Amended	9
100	1	Amended	134
101		Amended	463
106	2	Amended	77
109	1	Amended	529
111	1	Amended	540
116	1	Amended	61
133	1	Repealed	305
142		Repealed	726
144	1	Amended	101
163	1	Amended	93
166	10	Amended	92
182	1	Amended	745
184	1	Amended	487
184	2	Amended	489
184	3	Amended	488
184	4	Amended	489
184	5	Amended	489
186	1	Amended	158
186	2	Amended	163
186	4	Amended	166
186	5	Amended	62
187	1	Amended	727
189	5	Amended	422
189	6	Amended	212
194	7	Amended	323
199	9	Amended	104
207	3	Amended	494
219	1	Amended	596
219	2	Amended	399
219	4	Amended	397
219	5	Amended	143
219	10	Amended	323
223	1	Amended	254
223	3	Amended	254
223	9	Amended	255

Laws of 1953

THIRTY-THIRD SESSION

Chap.	Sec.		Page
18	1	Amended	500
20		Repealed	325
27	5	Repealed	445
29	1	Amended	540
38	1	Amended	567
38	2	Amended	569
38	3	Amended	570
38	4	Amended	571
38	5	Amended	574
38	7	Amended	573
42	1	Amended	565
44	1	Amended	732
45	1	Amended	398
55	1	Amended	719
58	1	Amended	274
61	1	Amended	390
64	1	Repealed	116
73	1	Amended	559
76	1	Amended	385
76	3	Amended	386
76	4	Amended	386
76	5	Amended	387
90	1	Amended	445
104	2	Amended	307
111	1	Amended	610
112	1	Amended	63
115	1	Amended	441
121	1	Amended	136
123	3	Amended	252
125	1	Amended	127
126		Repealed	726
129		Repealed	726
138	1	Amended	223
139	1	Amended	596
152	1	Amended	58
154	7	Amended	499
155	7	Amended	188
155	10	Amended	189
158	2	Amended	260
159	1	Amended	299
168	4	Amended	25
176	2	Amended	173
182	3	Amended	128
183	3	Amended	493
185	1	Amended	120
187	1	Amended	611
191	1	Amended	518
191	3	Amended	518
191	4	Amended	349
191	5	Amended	353
192		Amended	52
195	1	Amended	583
195	3	Amended	291
201	1	Amended	212
204	1	Amended	566
204	2	Amended	567
205	2	Amended	113
212	1	Amended	142
214	12	Amended	713
214	13	Amended	718
214	14	Amended	719
214	15	Amended	719
214	16	Amended	720
214		Repealed	720
215	1	Amended	71
216	4	Amended	329
218		Repealed	726
219	1	Amended	727
221	1	Amended	466
223	1	Amended	429
225	2	Amended	179
226	1	Amended	411
226	2	Amended	412
226	3	Amended	413
226	4	Amended	414
226	5	Amended	414
226	6	Amended	414
233	1	Amended	494
241		Amended	142
244	1	Amended	526
245	1	Amended	603
245	2	Amended	605
245	3	Amended	606
245	4	Amended	607

HeinOnline -- 1955 1006 1955

INITIATIVE MEASURE

No. 54 Sec. 3 Amended 252

CONSTITUTION

Art. VII Sec. 9 Amended 931

HeinOnline -- 1955 1007 1955